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**THE ROLE OF THE GAUTENG PROVINCIAL LEGISLATURE IN PROMOTING
PUBLIC PARTICIPATION**

By

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DISSERTATION**

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DECLARATION

I, Jabulani Sandile Thungo, hereby declare that this is my dissertation and I have duly acknowledged all sources used in it. I also declare that I have not submitted my dissertation to any university in its entirety to obtain a qualification.

Signed on the day of 2019

.....

Jabulani Sandile Thungo



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SUMMARY

The objective of this study is to consider the role of the Gauteng Provincial Legislature (GPL) in promoting public participation. Principally, the goal is to assess the efficiency and effectiveness of the institution's machinery to involve the Gauteng citizenry in legislative and/or policy-making processes. This includes determining the public's influence on policy and/or legislative designs. The methodological approach used in this research is a qualitative approach. Notably, a qualitative approach facilitates an appreciation of an insider's perspective of a particular environment and the environment's norms and values "through immersing oneself in a culture and direct interaction with the people under study" (Webb and Auriacombe 2006: 592). As such, the approach provided an understanding of the role of the Gauteng Provincial Legislature in promoting public participation. This is an understanding from the perspectives of both role-players namely, the implementers and participants, of what the institution's role is on public participation. This includes the role-players' interpretation of successes and failures as well as points of improvement.

The findings reveal that the GPL has a variety of participative instruments, which is in line with the principle of inclusivity. This relates to sector based parliaments and other programmes such as the women and the youth sector parliaments and Bua le Sechaba. These ensure the participation and/or inclusion of various sectors of society within the province. The study also established the developmental and/or educative element of the GPL's public participation machinery wherein participants attest having learnt about a legislature: its functions and processes as well as applicable procedures for communicating with the provincial government.

However, whilst interrogating the satisfaction of the inclusivity principle, findings revealed that the GPL's public participative machinery is not sufficiently inclusive. The institution is struggling to ensure satisfactory participation of the Coloured, Indian and White population. This also relates to inclusivity in terms of economic classes and political affiliations. In terms of political neutrality, the study revealed that there is a perception of the GPL's participative initiatives not being apolitical. Consequently, this discourages the participation of people from other political affiliations different from the one the institution seems lenient.

Furthermore, the study revealed that the GPL's feedback mechanism is not at a satisfactory level. This is attributable to a number of reasons such as the late provision of feedback thus, minimizing participants' opportunity to assess the quality of feedback. This correlates with the assertion that there is an absence of a systematic feedback mechanism; as a result, feedback happens on an ad hoc basis. The study also revealed that inputs made in public participation initiatives do not make their way to relevant committees for necessary processing, thus threatening the ability of the public to influence policy decision-making processes.

Building from the findings of the research, with specific reference to the identified shortcomings. The study proposes three recommendations, namely: increasing inclusivity, strengthening the feedback mechanism and incorporating public inputs into house committee systems.

LIST OF ABBREVIATIONS



ABET	Adult Basic Education and Training
ANC	African National Congress
CBO	Community Based Organisation
CFO	Chief Financial Officer
DA	Democratic Alliance
DHA	Department of Home Affairs
DoED	Department of Economic Development
DoH	Department of Health
DoJ	Department of Justice
DPSA	Department of Public Service and Administration
DRDLR	Department of Rural Development and Land Reform
DWAF	Department of Water Affairs and Forestry
EDEARD	Economic Development Environment Agriculture and Rural
EFF	Economic Freedom Fighters
EMM	Ekurhuleni Metropolitan Municipality
FSAW	Federation of South African Women
GEP	Gauteng Enterprise Propeller
GPL	Gauteng Provincial Legislature
IAP	International Association for Public Participation

IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
LGBTI	Lesbian Gay Bisexual Trans/Intersex Sector
LSB	Legislature Service Board
MAFISA	Micro Agricultural Financial Institution of South Africa
MEC	Member of Executive Committee
MoU	Memorandum of Understanding
MP	Member of Parliament
MPL	Member of Provincial Legislature
NA	National Assembly
NCOP	National Council of Provinces
NGO	Non-governmental Organisation
NICSA	National Interfaith Council of South Africa
NYDA	National Youth Development Agency
OCPOL	Oversight Committee on the Premier's Office and the Legislature
PEBA	Programme Evaluation and Budget Analysis
PSC	Public Service Commission
PWD	People Living with Disabilities
SACC	South African Council of Churches
SALGA	South African Local Government Association
SAPS	South African Police Service
SCOPA	Standing Committee on Public Accounts
SFPPSALS	Strategic Framework for Public Participation in South African Legislative Sector
SFSA	Speakers Forum of South Africa
SME	Small Medium Enterprise
STI	Sexually Transmitted Infections
UJ	University of Johannesburg
UN	United Nations
UN-ESCAP	United Nations-Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organization
WPTPSD	White Paper on Transforming Public Service Delivery

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 INTRODUCTION

Globally, democratically oriented governments envisage a public policy trajectory that is guided by good governance and sustainable development. At the core of such a trajectory are the fundamental principles of participative democracy and a governance model that protects both the present and future generations' development goals (Cameron 2004:5). In this instance, one of the associated rewards is a strong, mutual link between the governor and the governed. Notably, this crucial link bolsters the administration's legitimacy and subsequent governmental decisions (Wengert 1976:25).

This study aims to investigate the Gauteng Provincial Legislature's (GPL) role in promoting public participation in important legislative processes within the province. This chapter serves as an introduction to the dissertation and therefore discusses the background, rationale, research problem, motivation as well as the research questions and objectives of the study. In addition, this chapter will provide an account of the methodological approach, ethical considerations, the acknowledgement of sources, limitations, a definition of key terms and the structure of the entire study.

1.2 BACKGROUND, RATIONALE AND RESEARCH PROBLEM

A country is regarded as 'democratic' when the electorate is aware of the state's business and when the government is equally mindful of the needs and concerns of its citizens (Giddens in Mavee and Majam 2013:30). For this to happen, effective mechanisms should be implemented that allows both the public and the government to maintain a reciprocal dialogue. Examples include regular elections and/or public participation programmes that enable the public to vote and to communicate with leaders (Czapanskiy and Manjoo 2008:1). In essence, a 'democratic setting' is one where citizens hold decisive power over societal governance so that all qualifying

members of society can participate in decision-making processes (Oppenheim 1971:40).

Effective and efficient institutions that fulfil a representative function help ensure that citizens participate actively in managing public affairs. One such fundamental institution is a parliament and/or legislature such as the GPL, where the interests and concerns of society enjoy equal representation through its legislative and oversight roles (Inter-parliamentary Union 1998:V). From the aforementioned, one can infer that a participative citizenry is a fundamental requirement for a thriving democracy. Within this context, both men and women are guided by the principle that government-based outcomes –whether good or bad – rests equally upon the shoulders of the citizens (State Department's Bureau of International Information Programs Digital 2011:3).

The above description of democratic rule creates an impression of an egalitarian society that benefits all members of society. However, history – particularly that of South Africa – tells a different story. After the National Party came into power in May 1948, the country was characterised by an oppressive system of rule (Ross 2008:123). The National Party government implemented the apartheid policy, which sought to dictate every aspect of South African life. As such, legislation was characterised by discriminatory laws, discrimination by race and the marginalisation of the country's non-White population (McKay, Hill, Buckler, Ebrey, Beck, Crownston and Wiesner-Hanks 2009:1010).

The apartheid policy was complemented by various pieces of legislation that facilitated the strict, separate and unequal development of South Africa's four racial groups (Black, Coloured, Indian and White). Key discriminatory legislation includes the Populations Registration Act No. 30 of 1950, the Group Areas Act No. 41 of 1950, the Reservation of Separate Amenities Act No. 49 of 1953 (Oaks 1994:367). Many other laws ensured that whites enjoyed more amenities than their non-white counterparts (Oaks 1994:367).

The promulgation of apartheid largely predetermined how population groups should lead their lives. As such, it affected people to varying degrees. This follows the assertion that African, Coloureds and Indians were disadvantaged compared to their White counterparts— especially with regard to their legal, political and socio-economic

statuses. For instance, the apartheid policy determined the type of career paths non-Whites could follow, the rights and privileges they were entitled to, the sections of society with which relations could be forged, as well as where they could live (United Nations Centre (UN) Against Apartheid 1978:11;14). Apartheid law viewed non-Whites as undeserving “perpetual minors”; individuals who had to be “under the guardianship” of the apartheid government at all times. As the apartheid government and its policies dictated non-Whites’ lives, they were unable to determine their futures. Access to jobs was limited, and non-Whites struggled to find rewarding employment. Non-Whites received low wages for labour-intensive jobs, and they were often subjected to poor working conditions (UN Centre Against Apartheid 1978:11-12; 17).

Frustrated by the state of affairs, marginalised South Africans sought ways to correct this dire situation. In this regard, the UN Centre Against Apartheid (1978:18) stated that true emancipation inferred that Black people be “recognised as full citizens in a free society”, where they are involved in state developmental plans and legislative processes (UN Centre Against Apartheid 1978:18).

The liberal ideal of oppressed South Africans found expression on various platforms. At the Congress of the People in 1955, the drafting of the *Freedom Charter* facilitated the submission of grievances and demands from various sectors of society. A key submission is the Federation of South African Women’s (FSAW) document, “What Women Demand” (Unterhalter 1983:890). Through these submissions, oppressed South Africans aimed to do away with discriminatory laws that deprived them of their right to the privileges and responsibilities “that society offers to any one section of the population” (African National Congress 1954: Internet source).

From the preceding, it is evident that countries should focus on creating participative, inclusive governance systems. Moreover, it is crucial to ensure the legitimacy of the governing body and subsequent governmental policies. At the African National Congress in 1954 (Internet source), the FSAW highlighted that, among others, a country’s development level should be measured by the participation level of all citizens in key decision-making processes. This follows the assertion that a country “is poorer politically, economically, and socially” when a significant portion of its

population is denied the opportunity to participate in development processes (African National Congress (ANC) 1994 Internet source).

Previously marginalised South Africans can play a central role in bolstering the country's development trajectory. To a varying degree, both White and non-White South Africans face socio-economic challenges and equally share the desire to eradicate obstacles to sustainable development. This is reflected by the liberation struggle's fight to establish a non-discriminatory, inclusive society underscored by democratic principles (African National Congress 1954 Internet source). According to Creighton (2005:1), "Public participation in governmental decision-making equals the very definition of a democracy". Bearing in mind that the principle of democracy implies the authority of civilians by civilians, one cannot speak of democracy without the involvement of the masses in legislative processes (Epstein 2011:881).

1.3 MOTIVATION FOR THE STUDY

The 27th of April 2014 marked the 20th anniversary of South Africa's democracy. Traces of inequality are still apparent. Against this backdrop, most South Africans agree that the goal of living in an equal and inclusive society has not been met. Furthermore, a lack of inclusivity is called into question by the values enshrined in the Freedom Charter of 1955 and the Constitution of the Republic of South Africa of 1996 (hereafter referred to as the Constitution). Notably, these two important guiding frameworks call for an equal, inclusive, participative and none-discriminating society (Oakes 1994:388; the Constitution of the Republic of South Africa 1996).

Despite the dawn of a democratic South Africa in April 1994, traces of unequal development persist within the country's nine provinces. In order to shed more light on inequality, it is imperative to conduct a reflective assessment of Gauteng citizens' involvement in key legislative processes. Such an assessment will help measure the quality of citizens' involvement in public participation programmes. It will also highlight the benefits and challenges of involving the public in governance and legislative processes. This will help identify strategies to overcome the obstacles relating to public participation and governance in Gauteng Province.

Such an assessment will empower both the reader and the researcher with insight into the important role law-making institutions such as the Gauteng Legislature play in promoting public participation. It will shed light on the importance of involving the public in policy-making processes.

Therefore, considering the background provided above, primary research problem to be addressed by this study is:

What is the role of the Gauteng Provincial Legislature in promoting public participation to ensure the involvement of the Gauteng citizenry in key legislative processes?

1.4 RESEARCH QUESTIONS AND OBJECTIVES

1.4.1 Research questions

- What does the concept of public participation entail?
- What is the legislative framework for the support of public participation in South Africa?
- What is the role of the GPL in promoting public participation?
- Which instruments does the GPL use to promote public participation?
- What hinders effective public participation?
- How can the current management of public participation programmes be improved to ensure full public participation?

1.4.2 Research objectives

- Describe the concept of public participation.
- Highlight the legislative framework in support of public participation in South Africa.
- Identify and discuss the role of the GPL in promoting public participation.
- Discuss the various instruments used by the GPL to promote public participation.
- Explain the factors that prevent effective public participation.

- Give recommendations on how the current management of public participation programmes can be improved to ensure significant public participation.

1.5 METHODOLOGICAL APPROACH

When conducting a research project, a researcher must select a suitable research approach and/or paradigm, design and method that will be used in the study. With regard to the research approach, the researcher must decide whether to use a qualitative, quantitative or mixed method approach (Mouton in Matshazi 2017:14).

It is important that the researcher understands the difference between research design and research methodology (Webb and Auriacombe 2006:589). According to Molinyane (2012:8), research design denotes “the plan and structure of a research project to gather data and to respond to research questions”. Thus, it enables the researcher to choose both the purpose of the research and the research questions. In addition, it empowers the researcher to decide on the type of information that will answer the research questions (Le Compte and Preissle in Molinyane 2012:8). In other words, the research design is a detailed plan of the researcher’s approach to either test a hypothesis or respond to research questions. Therefore, research methodology includes the methods, techniques and procedures used to implement the research design. Simply put, the research design is the ‘what’, whereas research methodology is the ‘how’ (Webb and Auriacombe 2006:589).

The subsequent section outlines the methodological approach applied in this dissertation.

1.5.1 Research approach, design and method

The researcher selected a qualitative research approach. According to Webb and Auriacombe (2006:592), a qualitative approach allows the researcher to analyse how people and/or things behave or react towards one another in a certain environment. As such, it provides the researcher with an insider’s perspective of a particular environment and the environment’s norms and values “through immersing oneself in

a culture and direct interaction with the people under study” (Webb and Auriacombe 2006: 592).

In the Social Sciences realm, qualitative research methods include observations, in-depth interviews, focus groups and the analysis of personal, other documents and literature. These elements help the researcher to obtain knowledge of the meaning (*verstehen*) of the object under observation (Auriacombe in Matshazi 2017:16). An added advantage of these methods is that they afford the researcher the opportunity to understand people’s personal experiences through the meanings they attach to their experiences. Thus, the researcher is perceived as a data collection instrument. Qualitative methods also have the benefit of gathering rich and in-depth data. Furthermore, qualitative methods “provide a context for understanding behaviour, processes and the reasons” (Bryman and Bell in Matshazi 2017:16).

By following a qualitative approach in this study, the researcher gained an in-depth understanding of the GPL’s role in promoting public participation. This was facilitated through direct interactions with the political heads, administrators and the target groups of the institution’s public participation programmes. This allowed the researcher to gain insight into the participants’ interpretations of public participation, the role of the Legislature in promoting public participation, as well as the participants’ interpretations of the Legislature’s public participation instruments (Webb and Auriacombe 2006: 597).

Moreover, the study focused on a case study of the public participation instruments and/or programmes used by the GPL. According to Webb and Auriacombe (2006:598), a case study is a research tool that “investigates a contemporary phenomenon within its real-life context”. Yin (in Webb and Auriacombe 2006:600) states that case studies make use of important information sources such as “documents”, “interviews” and “observations” to provide real evidence. Furthermore, case studies provide insight into the outcomes and context of interventions (Yin in Webb and Auriacombe 2006:600).

Schram (in Schurink 2009: 814), identifies three kinds of case studies, namely intrinsic, instrumental and collective case studies. Intrinsic case studies underscore the

importance of understanding a case, while instrumental case studies facilitate the understanding of a social phenomenon. In turn, collective case studies investigate and compare a selection of cases to validate and expand theories (Schram in Schurink 2009:814).

In this research, the case study was used to “investigate a contemporary phenomenon”, namely the public participation instruments used within the Gauteng Legislature (Webb and Auriacombe 2006:599). It enabled the researcher to examine the Legislature’s public participation programmes as intervention strategies to involve citizens in legislative processes (Webb and Auriacombe 2006:600). Furthermore, the case study approach helped to determine the extent to which the Gauteng citizenry has contributed to key legislative processes in the province (Schurink 2009:814).

1.5.2 Data collection techniques

In terms of data collection techniques, both primary and secondary sources were used in the study. Secondary sources included the following:

- Relevant published books on public participation.
- Published and unpublished dissertations and theses.
- Other published and unpublished documents.
- Official reports and documentation.
- Articles from academic journals.
- Electronic sources.
- Legislation and other policy documents.

1.5.3 Interviews

In this qualitative study, interviews were selected as the primary data collection technique. Qualitative research methods seek to gain an insider’s perspective of the world (De Vos, Strydom, Fouche and Delport 2011:342). Importantly, the interviewing method is the “predominant mode of collecting information in qualitative research”. This method enables the researcher and the interviewee to share key information. An

important element in conducting interviews is engagement. To show that the researcher understands the respondent's answers in the broader context of the interview, he/she should "be neither objective nor detached" but engaged (de Vos, Strydom, Fouche and Delport 2011: 348).

In this study, individuals were purposefully selected based on the offices they hold within the Gauteng Legislature and/or their involvement in the Legislature's public participation projects. This selection approach is appropriate, as it ensured the collection of accurate data. Target respondents from the GPL included:

- Three leadership representatives: One from the office of the secretary, the office of the chairperson of committees chairpersons (chair of chairs) and a chairperson of a portfolio committee, respectively.
- Two administrative staff: One from the committees section and one from the public participation and petitions unit.
- Five participants from the GPL's public participation programmes (Youth and Women's Sector Parliaments).

From the preceding section, it is worth noting that there were some alterations from the initial plan. This relates to the total number of participants interviewed due to some challenges experienced wherein the explanation of is contained under sub-section 1.8 titled: "limitations of the study".

The type of interviews used in this study were "unstructured and semi-structured interviews" (De Vos et al. 2011:347). On the one hand, the former helped with gaining a clearer account of the interviewees' encounter and the interpretation the interviewees gave of that encounter. In other words, it enabled both the researcher and the interviewee to closely analyse the subject matter in order to have a clear perspective of the interviewees' understanding of the experience (de Vos et al. 2011:348) On the other hand, the latter "gave the researcher and the participant much more flexibility". It gave space for follow-up and open-ended questions to be used to allow both the researcher and the interviewee to explore relevant elements that emerged during the interview (De Vos et al.2011: 351-352).

All data gathered is stored safely in a memory stick/universal serial bus, in a laptop and in a file, which will contain hard copies of the data collected. All soft copies of the gathered data will be password protected.

1.6 ETHICAL CONSIDERATIONS

The researcher is in full terms with the “University of Johannesburg’s Code of Academic and Research Ethics”, which requires the execution of a research study with the utmost honesty and integrity and commits to its adherence (University of Johannesburg (UJ) 2007:5). Hence, the researcher strove towards being unbiased in the handling of data or reporting of information. Therefore, the reporting of information in this study is truthful, as per the teachings of Henekom and Brynard (in Maila 2006: 10). Notably, the authors highlight the importance of the researcher reporting truthfully at all times (Henekom and Brynard in Maila 2006:10).

As such, the researcher received permission from the GPL to conduct the study. There was no coercion to participate and participants acted on their own will, knowing both the purpose and/or goal of the study. Furthermore, care was taken to protect participants’ personal information (UJ 2007:5).

1.7 ACKNOWLEDGEMENT OF SOURCES

All sources consulted throughout the study are cited according to the Harvard referencing method, as per the direction of UJ’s Public Management and Governance Department’s essay-writing guide. This entails in-text referencing and a bibliography at the end of the study. All sources consulted are outlined alphabetically in the bibliography “using but not limited to, surname of author, initials, year, title of publication or article, and place of publication, depending on the source” (Maila 2006: 10).

1.8 LIMITATIONS OF THE STUDY

In conducting the study, the researcher experienced certain challenges and limitations. The following section highlights the most notable challenges.

Firstly, the designated contact person within the GPL was somewhat reluctant to provide the researcher with relevant information. In some instances, the researcher received incomplete information. In some cases, the researcher received the information after weeks and months of requesting for the information. In dealing with the challenge, the researcher requested assistance from another official who was willing to assist.

Secondly, the researcher was unable to interview the stipulated number of participants, as per the proposal. This was due to the fact that the GPL provided an incomplete contact list of its public participation participants. In some instances, the GPL indicated that it did not have contact details of some public participation programme participants. In one instance, a participant refused to answer certain questions as he/she was afraid of misinterpreting the information. Given the above challenges, the researcher tried to carry out the study using the limited resources and/or information available.

1.9 DEFINITION OF TERMS

This section provides definitions of key concepts and/or terms used in the dissertation to facilitate an understanding of this study.

1.9.1 Citizens

The term 'citizen' denotes "the legal and permanent inhabitants of a state whose rights and duties are different from those of persons who are not citizens" (Rautenbach and Malherbe 2009:57). This relates to an individual who enjoys both the "legal and political recognition" of being a member of a particular country. (Ilija 2011:9). In other words, this relates to persons' "jurisdictional identity". Having the above said recognition, citizens thus enjoy the privilege to partake in their society's political and

economic processes. Political processes include aspects such as voting and making policy inputs where necessary. However, not only do the above described persons have rights but are equally obliged to uphold and maintain their country's supreme law, for the upkeep of the state (UNESCO 2017: Internet source). In the South African context, there are three main requirements for an individual to gain legal and political recognition as a citizen-jurisdictional identity. These are, birth, naturalisation and descent (South African Citizenship Act 88 of 1995).

1.9.2 Democracy

In understanding democracy, it is important to note that there is no precise understanding or definition of the concept. However, common in the various and sometimes competing definitions is the principle of public authority (Heywood 2013: 89-90). Thus, in general modern day operating understanding, the concept denotes a political environment founded on the principle of egalitarianism. This refers to a system of self-governance and/or determination wherein principles such as human dignity, equality, equity, fairness, consensus, impartiality and the rule of law are at play. Thus, all individuals regardless of race, creed and gender are equal before the law. In action, a democratic system is characterised by elements such as party plurality, system of checks and balances, a wide-franchise and regular elections (Inter-Parliamentary Union 1998:IV).

South Africa is a democratic state-a constitutional democracy, meaning its constitution supersedes all other laws in the country. Accordingly, important aspects of democracy such as regular elections, party plurality, public participation as well as checks and balances are pivotal elements of the country's constitution. From the foregoing and perhaps essential in the context of this study, democracy whether direct or indirect, is a collective, inclusive and people-centric type of authority (Parliament of the Republic of South Africa Undated: internet source).

1.9.3 Public

This refers to the ordinary people who make up an entire society. From this understanding, it is arguable that the concept refers to a collective and/or group of people who share certain socio-economic and political linkages (Hornby 2009:1172). This relates to aspects such as a common legal and politically recognised jurisdictional

identity and all the rights and responsibilities attached to the said identity (UNESCO 2017: Internet source). A social collective that shares a common social objective of creating a socially, economically and politically thriving society. As such, it is “a loosely structured system whose members, existing within a population or linkage, detect a problem and behave as though they were one body to solve the problem” (Vasquez: 1993: 208).

1.9.4 Good governance

A governance principle that is based on elements such as citizen involvement, consensus, accountability, openness, responsiveness, efficiency and effectiveness, equity, inclusivity and the rule of law. Good governance helps circumvent corruption. Furthermore, it ensures that “the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making”. Therefore, in the South African governance context, good governance is paramount. Thus, its operationisation is observable through various legal prescripts including but not limited to the Constitution of the Republic of South Africa of 1996, the Municipal Systems Act 32 of 2000 and the Promotion of Access to Information Act 2 of 2000. (UNEconomic and Social Commission for Asia and the Pacific (UN-ESCAP) 2009:1).

1.9.5 Legislature

A provincial organ of the state responsible for exercising legislative authority at a provincial level (Hornby 2009:844). In line with this definition, the South African Constitution confers legislative authority on the nine legislatures of the country. The said authority encompasses critical mandates of legislatures. The first mandate includes the law making responsibility, which entails the making and passing of ordinances as well as the reviewing and amendment of existing ordinances to ensure relevance. This is in line with section 104 (1) (b) of the South African constitution.

As a focal point of this study, the second mandate focuses on its responsibility to promote public participation as outlined in section 118 of the South African Constitution. Wherein there is an expectation to ensure the involvement of the public in its functions. More so, the third mandate entails exercising oversight on the operations of the executive branch of the state. Accordingly, section 114 (2) mandates

legislatures to ensure oversight over the executive (Constitution of the Republic of South Africa 1996).

1.9.6 House committees

House committees are extensions of the house whereas legislature's oversight function is carried out. They comprise of members from the represented political parties who scrutinise the work/reports of the executive arm of the state and make recommendation for council/legislature's consideration (Parliament of the Republic of South Africa undated Internet source).

1.9.7 Spheres of government

This refers to the organised structure of government, namely the national, provincial and municipal levels of government. The three spheres of government "are distinctive, inter-related and inter-dependent" (Environmental Management Inspectorate undated Internet source).

1.9.8 Government

A collective of elected representatives charged with the administration of the state apparatus to ensure the social welfare of society through effective and efficient governance systems (Sekuguchi 2010:159).

1.9.9 Governance

"The process of decision-making and the process by which decisions are implemented "or not implemented"(UN-ESCAP 2009:1). It also entails the effective handling of various forms of state resources, as well as policy-related processes to realise the collective socio-economic, political and cultural goals of a particular society (UN-ESCAP 2009:1).

1.9.10 Secretariat

An institutional unit responsible for the institution's overall management led by the Office of the Secretary or Secretary-General. Simply put, it a unit responsible for managing the administration of an organisation (Hornby 2009: 1319).

1.9.11 Sustainable development

A type of state development that does not pose a threat or risk of future generations to pursue their development goals (Cameron 2004:5). Thus, its principle objective entails achieving an endless equitable distribution of state resources for the current future generations (Matshazi 2017:32).

1.9.12 Participatory democracy

A democratic process that promotes collective decision-making practices. In this instance, citizens influence policy-making and monitor its implementation via political representatives (Arogones and Pages 2005:2).

1.9.13 Legitimacy

Within a democratic society, legitimacy is a “relational concept, which relies on an interactive relationship between a social/political actor and his/her supposed constituents” (Duyvesteyn 2017: 674).

1.10 OUTLINE OF THE DISSERTATION

Chapter One

Chapter One provides a general introduction to the entire study. It consists of the background, rationale, problem statement and motivation of the study. Both the research questions and objectives are outlined. Chapter One also outlines key terminology used throughout the study, data collection techniques, limitation of the study, ethical considerations and the referencing method used in the study.

Chapter Two

Chapter Two provides an analysis of the relevant academic, technical, policy and legislative literature to identify and analyse the most salient aspects of public participation. This includes defining and explaining public participation, identifying key role-players, as well as outlining the advantages, disadvantages and challenges of public participation. Furthermore, Chapter Two provides a detailed account of the

theory of deliberative democracy and the legislative and policy framework guides public participation in South Africa.

Chapter Three

Chapter three looks at the GPL's role in promoting public participation. Within this context, the Legislature's various public participation instruments are discussed. This includes observations on house sittings, committee stakeholder meetings, public hearings, budget process workshops, public awareness campaigns and workshops, community education outreach workshops, institution of learning educational tours and workshops, as well as sector parliaments.

Chapter Four

Chapter Four provides an analysis of the collected data and reports on the findings of the study.

Chapter Five

This chapter outlines the key conclusions of the study and provides recommendations for future research on the topic.

1.11 CONCLUSION

Chapter one provided a general introduction to the study. Amongst others, this entailed the provision of the background, rationale, research problem, motivation as well as the research questions and objectives of the study. More so, it provided an account of the methodological approach of the study. For ease of reference, chapter one focused on defining the study's key concepts and it also provided an account on the structure of the entire study.

Chapter Two reviews existing literature on public participation.

CHAPTER TWO

PUBLIC PARTICIPATION LITERATURE REVIEW

2.1 INTRODUCTION

The study aims to provide an analysis of the public participation phenomenon. In doing so, the focus will fall on defining and explaining public participation. As such, various complementary and contending interpretations will be considered. This chapter will discuss the advantages and challenges associated with public participation as well as evaluation criteria.

To provide a holistic perspective of the public participation concept, Chapter Two will provide a detailed account of the deliberative democratic theory as well as the relevant regulatory mechanisms. The aim is to clarify both the necessity and/or uses of public participation in a democratic setting, as well as the policy/legal parameters within which public participation unfolds in South Africa.

2.2 THE CONCEPT OF PUBLIC PARTICIPATION

Public participation entails the involvement of people who stand to either gain or lose from proposed governmental intervention (Andre, Enserink, Connor and Croal 2006:1). It seeks to ensure consensus between the governor and the governed on the appropriate approach for dealing with policy issues. Public participation is a method used to align government goals and societal needs (Andre et al. 2006:1). It promotes the incorporation of the citizenry's service delivery needs and/or concerns into the law making and/or policymaking processes, thus influencing the governance process. It endorses a synergy between the elected officials and the electorate. A public management and governance tool that facilitates mutual understanding of elements that constitute social ills and the essentials of service delivery in any given society (Creighton 2005:7).

Public participation "is a dialogical process of exchanging reasons for the purpose of resolving problematic situations that cannot be settled without interpersonal coordination and cooperation". In other words, it is a conversational interaction and the converging of diverse perceptions towards establishing a common understanding

of what constitutes policy and service delivery essentials. A collaborative instrument that allows the government and the public to define jointly, a desired trajectory in the governance of a society(Bohman1996:27).

From the foregoing, one may argue that public participation comprises of five goals. Firstly, it ensures the participation of relevant stakeholders in policy making processes. Secondly, it facilitates the sharing of information on the proposed policy trajectory and its impact. Thirdly, it facilitates the accumulation of information about the public and its context. Thus ensuring a contextual consideration of a policy issue and a contextualized policy decision. The fourth intent is to gather the public's perception on the proposed strategy and/or decision. Having made policy proposals, shared information and gathered the public's perception, the fifth objective focuses on assessing the suggested intervention to gauge its efficiency and legitimacy (Andre et al.2006:2).

Flynn (2011:39) incorporates a rational decision-making element into the public participation process by identifying important phases. The first phase is the informative stage where there is dissemination of information. The intention is to facilitate a mutual and comprehensive understanding of the policy matter. Of importance in this stage is the accurate identification of the matter and its implications. The applicable and perhaps effective modes to fulfill this objective are "personal testimonies" and "storytelling". These are most effective when the issue under consideration directly affects the participants (Flynn 2011:39).

The second stage centers on outlining possible solutions and/or strategies to alleviate the social ills identified and discussed in the first phase and the third stage entails the development of an assessment tool. The tool is to assist participants to establish what constitute the alleviation of the identified problem. Equally so, it enables the participants to decide on the criteria to select the best solution to the prevailing issue. More so, the fourth stage entails making a decision on the best strategy to alleviate the problem through the aid of the assessment tool developed in the third phase. Depending on the complexity of the issue and the dynamics of the decision-making group. The selection of the appropriate and/or preferred solution may be by means of

voting if there is no unanimous consensus or through a unanimous decision in the absence of clashing interests and/or opinions (Flynn 2011:39).

2.3 PERSPECTIVES OF PUBLIC PARTICIPATION

Public participation serves different yet interrelated purposes. The subsequent section will discuss the different perspectives relating to the concept.

Public participation can be viewed as policy, strategy, communication, conflict resolution and as therapy. As a strategy, Wengert (1976:25) indicates that it is “a sound and desirable policy” to be effected. Public participation is one of the ways government can address societal problems. In substantiating the above, Wengert gives the following example: When a government plans to do something on a piece of community-owned property, the community has to be consulted (Wengert 1976:25).

In viewing it as a strategy, Wengert maintains that those in support of its implementation view it as a technique, “a manoeuvre to accomplish other unstated or stated objectives”. As such, it is a strategy to obtain both “legislative and political support and legitimation”. Wengert (1976:25) asserts that “planning for public participation to gain such support is a natural strategy”.

Public participation is viewed as an effective communication instrument. The argument is that experts within the technical and/or bureaucratic sphere should not make unilateral decisions on behalf of community. Rather, both parties should work together to avoid making ineffective administrative decisions or decisions that do not reflect societal needs and concerns (Wengert 1976:25).

When used as a conflict-management strategy, public participation can help mitigate mounting acrimony. This argument is based on the idea that mutual understanding and tolerance helps reduce bias and mistrust. To substantiate this view, the idea is that increased participation can eliminate instances of incorrect information and associated conflict (Wengert 1976:26).

In sharp contrast to the view that public participation promotes unity and serves as a conflict-mitigating instrument, citizen involvement can also form the foundation for

conflict. Here, the argument is that increased participation highlights existing differences within a heterogeneous community, which could lead to a conflict. This is particularly the case in instances of 'diversified interests', lack of consensus and increased confrontations (Wengert 1976:26).

The idea of public participation as a therapeutic instrument is effective in a society with a long history of social ills, such as war and poverty. In such circumstances, public participation fosters reconciliation as well as social cohesion. It enables the reconciling society to plan collectively a unified future favoured by all. One example is the abolishment of apartheid South Africa (Wenger 1976:26).

Public participation can also help ensure effective and efficient government. A certain measure of public participation by the public forms part of the many ways to eliminate the possibility of having an ineffective government. As such, the government is compelled to attend to the public's needs. This adds to the notion of public-based checks and balances facilitated by public participation initiatives (Winthrop 1978:152).

2.4 THE GUIDING PRINCIPLES OF PUBLIC PARTICIPATION

In order to ensure a thorough understanding and effective implementation of public participation, the International Association for Public Participation (IAP2 2007:1) provides the "core values for the practice of public participation". The guiding values include:

- Members of the public are an integral part of the decision-making process, therefore, making it their right to be consulted.
- Civil society's contributions are the driving force behind decision-making processes.
- Public participation entails making long-term choices and pays particular attention to the "needs and concerns" of all stakeholders involved;
- The just distribution of relevant information to facilitate meaningful participation.

- Providing feedback to members of society on how their contributions influenced the outcomes (IAP2 2007:1).

Furthermore, the guiding principles of effective public participation are divided into three umbrella terms, namely basic, operating and developing guidelines (Andre et al. 2006:2).

Basic principles emphasise the importance of having a public participation programme that is relevant and/or specific to the community. As there is an emphasis on the inclusivity, programmes should be implemented at the right time and credibility should be maintained at all times. The operating principle provides guidelines on how to adhere to basic principles when implementing public participation initiatives. By adhering to the basic principles, programmes will benefit citizens in the long term (Andre et al. 2006:2).

Developing principles focus on the specific steps that should be taken to ensure that specific goals are met. However, this can only be achieved by ensuring increased levels of justice and equity (Andre et al. 2006:2).

2.5 PREPARING FOR PUBLIC PARTICIPATION

For a public participation programme to benefit all role-players, it should be well structured and play an integral part in the overall decision-making process. This follows the assertion that there is no universal public participation plan. However, basic aspects should be kept in mind. To facilitate the planning for public participation, Creighton presents a three-pronged strategy with interlinking phases. These are 'Decision Analysis', 'Process' and "Implementation planning" (Creighton 2005:27). The following section discusses the abovementioned phases.

2.5.1 Phase one: Analysis of the decision

This phase focuses on analysing the context or environment within which the decision-making process will take place. The activities include defining the process through which decisions will be made, focusing on matters that could influence the credibility of the process and deliberating on the need for public participation when making a particular decision (Creighton 2005:27). Here the goal is to ensure a thorough understanding of the decision and the importance of public participation as an instrument to reach a decision. Analysis also forms the basis of effective planning and deciding on the steps that should be taken to reach a decision (Creighton 2005:27).

Decision analysis includes six steps. The first step entails deciding on the participants that will be included in the decision analysis process. It is important to earmark the participation programme planners as early as possible. The planners can be individuals who have experience in public participation.

The second step focuses on earmarking decision-makers. To help mitigate possible risks, it is important to select an individual or persons who are knowledgeable about public participation phenomenon and are familiar with the matter at hand (Creighton 2005:28).

The third step focuses on clarifying the pending decision. Possible perspectives of the problem in question are investigated to clarify the reasons for a public participation programme and to ensure that the public finds resonance with the proposed decision. Clarifying the reasons for the programme and ensuring resonance helps eliminate the possibility of allegations about the illegitimacy of the decision.

The fourth step specifies the various steps of decision-making process and sets a timeframe for each of the outlined steps. This stage helps identify crucial areas where there is a need “to consult with the public” and when public consultation will take place (Creighton 2005:29).

The fifth step identifies the constraints of the decision-making body and possible aspects that could influence the decision-making processes. Here, the goal is to mitigate the constraints. The sixth step focuses on deciding on the type and

importance of public participation and the degree of involvement necessary (Creighton 2005:35).

2.5.2 Phase two: Process planning

This phase focuses on studying the goals of all the stages in the decision-making process and highlighting appropriate strategies to realise those goals. Here, the objective is to identify candidates for the planning team, stakeholders as well as relevant worrying factors (Creighton 2005:45). Furthermore, process planning also entails evaluating the possible degree of controversy so that the participatory programme does not experience any disturbances that may hamper its ability to achieve its purpose. This phase identifies the necessary steps to realise the objective. The analysis of information exchanged between the public and the programme implementers forms part this phase to help identify the core objectives of the programme (Creighton 2005:60).

Also forming part of the process-planning phase is the task of highlighting the contextual aspects that could affect the choice of techniques used, selecting public participation methods and designing the public participation programme. The importance of these aspects is to ensure an effective public participation programme through sustaining the public's interest in the programme. This also includes making a choice of the methods and techniques which may have more benefits than disadvantages and having a detailed plan on the planned programme roll-out to assist with the actual implementation (Creighton 2005:63).

2.5.3 Phase three: Implementation planning

The implementation phase focuses on the planning for implementing a public participation programme (Creighton 2005:28). This involves considering a variety of

essentials, such as:

- Public participation meeting schedules.
- The number of actual public engagement meetings to be held.
- Required facilities to be used.
- Public participation event programmes.
- Platforms through which the planned public participation initiatives will be publicised.
- Logistical arrangements such as meeting venues and seating arrangements.
- Requisite skills such as meeting facilitation, public speaking and technical skills (Creighton 2005:78).
-

An effective way to bolster implementation entails facilitating “a sense of team work” by involving skilled people (Creighton 2005:79).

2.6 MODES OF PUBLIC PARTICIPATION

Rowe and Frewer (2000:7) acknowledge the existence of a range of public participation methods and/or techniques. According to Rowe and Frewer (2000:7), these instruments seek the public’s perception and/or judgement on a policy issue from which policy decisions are extracted. The following section will look at some of the methods/techniques that are used to facilitate effective public participation.

2.6.1 Polls

Polls are used to gather public perspective through questions that require yes or no answers. They are not used to foretell the result of the deliberation process but to gather a general understanding of the participating public’s view on the matter under review. Notably, polls are lauded for being one of the most budget-friendly ways of obtaining public opinion on policy issues (Queensland Government 2011:26). Polls enable public participation practitioners to undertake a quantitative examination of the varying views of society on a policy matter. Furthermore, polls also allow public participation practitioners to determine whether the majority of citizens agree with the

stated opinion. The nature of questions asked in a poll are objective, unambiguous, can extract the required information and tabled in a predetermined order (Creighton 2005:128).

2.6.2 Roadshows

These geographically sequential presentations are used to source the public's understanding of public policy matters and/or to ensure the participation public on matters that influence more than one community. Successful roadshows are preceded by public sensitisation complements such as media exposure to ensure public involvement. A roadshow is one of the many public participation methods used during election periods. It is lauded for its geographical inclusivity, its ability to communicate information through verbal and visual modes of communication and its ability to ensure the uniformity of information distributed to various communities (Queensland Government 2011:27).

2.6.3 Internet survey

Internet surveys also form part of the various methods/techniques used to ensure efficient public participation. This online tool is used to reach a section of society that is unlikely to attend public participation initiatives carried such as public meetings (IAP22006:1). It allows participants to give their inputs directly to the governing body by logging onto a stated online platform. (Queensland Government 2011:28). For example, the Ekurhuleni Metropolitan Municipality (EMM) uses the budget tips campaign to source the public's input on its Integrated Development Plan (IDP) and budget processes (EMM 2016 Internet source).

2.6.4 Action Research

Action research is an effective method to ensure public involvement in key legislative processes. This experiential learning method facilitates understanding through participation. Here, both the governor and the governed collectively examine experiences on an issue to identify and assess suggested solutions to policy issues. This rational approach to public policy matters focuses on highlighting the challenge

at hand, outlining plans to deal with the matter, implementing policy strategies, assessing the effectiveness of the strategies and amending the strategies based on learnt experience where necessary (Queensland Government 2011:30).

Unlike citizen juries, action research accommodates all members of society – particularly ‘socially excluded’ citizens. Drawbacks associated with this method involve limited data-gathering, as information can only be obtained through action research (Queensland Government 2011:30).

2.6.5 Citizen juries

Citizen juries comprise of members who are representative of the demographic profile of the concerned community or society. In this regard, participants deliberate on issues relevant to their society’s governance. Here, participants may seek expert insight from relevant people or research institutions on the issues under review. After gathering the required information, participants then extensively deliberate on the topic. Having reached a decision, the jury makes presentations to the public and the relevant executive authority (Queensland Government 2011:32).

To reap substantial rewards from this exercise, convenors need to have quality “coordination, negotiation as well as conflict mitigation skills”. It is also imperative for all parties involved to reach a consensus on the format regarding the provision of reports and handling recommendations from the exercise. More so, all information presented as evidence substantiating a certain perspective must be handled in the most objective manner possible to ensure both equity and equality throughout the process. Thus, the panel should include individuals who are familiar with the subject matter and have undergone due training (Queensland Government 2011:32-33).

An advantage of citizen juries includes gathering balanced input from the public on multifaceted and contentious matters. It also involves open and transparent deliberation processes feeding to sentiments of patriotism and community involvement. Citizen juries facilitate a thorough understanding of the issues under consideration and include feedback sessions as an integral part of the process. However, citizen juries are costly and time-consuming. Due to the technical nature of

the exercise, members of society with lower literacy levels may be excluded (Queensland Government 2011:33).

2.6.6 Community reference groups

Community reference groups consist of community representatives with vested interest in the issues under review. Here, participants attend meetings in order to represent their communities' needs and interests in all public policy development initiatives affecting their respective communities. Therefore, participants of such an initiative should be capacitated to ensure effective participation "in the development, implementation and evaluation of public policies (Queensland Government 2011:33). When implemented well, community reference groups benefit for both the programme implementers and the target community. It enables the public to establish relationships that pave the way for long-lasting communal engagements and/or dialogues. Participating members of the public can gain more insight into collective social ailments and develop a common understanding and circumvention strategy thereof. Here, communities are afforded the opportunity to understand each other's' concerns and are equally given the opportunity to share/learn "local knowledge and expertise" on certain aspects. In such instances, there is effective decision-making can reduce polarised preferences. For the of the programme, Such a method enables official programme implementers to gain insight into how a particular policy issue affects a community. In such instances, implementers can devise customised strategies for a particular community to ensure an effective public participation exercise (Queensland Government 2011:33).

As is the case with all circumvention strategies. Community reference groups are not without drawbacks. Some members of the public view these initiatives as too technical and rigid. As it is challenging to sustain community members' interest, it is difficult to gain their perspective on the matter under review. Another challenge associated with this public participation method is that more prominent voices disregard less-prominent ones, which results in unrepresentative policy decisions (Queensland Government 2011:33).

2.6.7 Public meetings

During these structured public meetings, participants make formal and recorded presentations on the policy issue under review. Public meetings may take place in different formats determined by aspects such as the demographic profile of the participating public as well as the policy issue under review (Creighton 2005:130; 131). A benefit associated with public meetings is that attendants can hear inputs made by all speakers/presenters. However, public meetings tend to exaggerate the public's differences in opinions on the matter under review. As certain attendants might have an opposing view, participants go to the extreme in defending their argument. This limits the chances of reaching a unanimous decision as the other front may be reminded of how different their opinion and interests are and be further reminded of the need to defend their position even more. The other drawback associated with public meetings is that organised groups mostly dominate them. This result in the neglecting of the views and interests of ordinary members of the public whose interests are not represented by these groups (Creighton 2005:130).

For public meetings to be a success, convenors should consider and implement certain aspects such as ground rules, speaking lists and time allocations. This helps ensure that meetings take place in an orderly fashion. Time limits should be determined by the speakers' list. Further, convenors should ensure that all participants understand and accept these ground rule and that they are "enforced consistently"(Creighton 2005:130).

2.7 STANDARDS GUIDING PUBLIC PARTICIPATION

An effective public participation programme is underpinned by 'standards of participation'. These include specified performance and quality standards. Performance standards ensure that both politics and administration achieve high levels of stakeholder participation in the deliberation process. Quality standards, on the other hand, play a key role in assessing the potential of a public participation programme. In addition to the above-mentioned standards, there are standards relating to the preparation, implementation and assessment of the public participation programme (Austrian Council of Ministries 2008:7).

The standards relevant for the preparation of public participation focus on the 'framework conditions' that guide the public participation process. These include elements such as the prevailing legal requirements and the programme's topic. These standards also focus on the degree of influence the participating public has during the programme. It also looks at the extent to which the decisions are binding, identifies the target community and earmarks methods of engagement. Furthermore, the preparation standards also address logistical matters such as establishing deadlines and disseminating relevant information to the target participants to facilitate a meaningful contribution (Austrian Council of Ministries 2008:9).

The implementation standards serve three objectives. These include a public participation programme that is insightful, consultative and collaborative. In ensuring an insightful programme, the aim is to facilitate the availability of objective and comprehensive, group-specific information and supporting material. Furthermore, the consultative element underscores the significance of compiling consultative resource kits that provide an overview of the topic, goals and consequences of the action plan (Austrian Council of Ministries 2008:11).

Moreover, the collaborative objective emphasises the importance of jointly deciding on an applicable public participation method. It also stresses the importance of treating all participants as equal (Austrian Council of Ministries 2008:15). The assessment standards is to "monitor and evaluate the participation process" to determine the effectiveness of the programme. As such, assessments aim to determine whether the overall goals have been met (Austrian Council of Ministries 2008:16).

The subsequent section will focus on key elements that contribute to a successful public participation initiative.

2.8 THE SUCCESSFUL MANAGEMENT OF PUBLIC PARTICIPATION

The preceding sections argue that an effective public participation programme must at least satisfy particular requirements. These include aspects such as the programme viewed as a source of mandate from the public and the integration of the public into the policy-making process. Notably, both the affected and interested sections of

society should be included in the process, while a variety of strategies should be used to fulfil the objectives of the participation programme. In meeting these requirements, public participation practitioners will be able to consider a range of new possibilities. This testing “out of new ideas in the heat of dialogue” ultimately leads to a consensus between various participating factions and contributes to the effective implementation of the decision (Creighton 2005:21).

The successful management of public participation means ensuring a participatory initiative that is transparent, ethical, economic and sustainable. To facilitate this, a tailor-made citizen involvement programme should be established that is in line with public sector institutions and prevailing societal needs. Another contributing factor focuses on having a comprehensive understanding of applicable statutory provisions that provides clear guidance to facilitate citizen participation (Public Service Commission (PSC) 2010:2).

One of the important elements of effective public participation management is to include planned participatory programme in an institution’s budgetary cycle. This helps ensure that both participatory and capacity-enhancing processes are included in the institution’s budgetary plans (Department of Water Affairs and Forestry 2004:19). The availability of relevant and/or useful information helps ensure successful public participation. It ensures that information is gathered on the stakeholders’ needs and concerns for effective planning. Information of such nature sensitises programme coordinators about who the underprivileged and under represented are in society. It also alerts them about the gender profile and zonal traditional affairs, which requires due consideration. Knowledge of these realities helps champion a participatory programme that is aligned with beneficiaries needs (Department of Water Affairs and Forestry (DWAF) 2004:26).

Effective management of public participation entails ensuring a well-informed group of stakeholders and maintaining contact sessions with the participants (DWAF 2001:34). It also includes making preparations and providing for all logistical and risk management aspects related to public participation initiatives (PSC 2010:5). Monitoring progress on a regular basis also forms part of successfully managing public participation. Tied to the aspect of monitoring is the ensuring of feedback to all

participants on their contributions to the success of the programme (DWAF 2001:39) and (DWAF 2004:19). The evaluation of the failures and successes associated with the implementation process is yet another prerequisite for the successful management of public participation (PSC 2010:6).

2.9 ADVANTAGES AND CHALLENGES OF PUBLIC PARTICIPATION

Having considered success factors associated with public participation, the following section will focus on the advantages and challenges associated with public participation.

2.9.1 Advantages of public participation

Public participation helps ensure sound governance systems. In line with this Mzimakwe (2010:501) states that, “the involvement of the public in the administration and governance of a state is an essential element for a state to function effectively and efficiently”. As such, public participation may be viewed in two senses, namely as a tactical method and as a privilege due to the advantages associated with it. The following section will focus on the benefits of public participation.

Effective engagement between the public and its government on governance issues plays a key role in strengthening democracy. Engagement between the government and the public implies that the latter takes part in important policy-making processes and activities. This includes making key decisions on the nature and standards of service delivery, drafting budgets as well as determining key priority areas to be addressed by the budget. Within this framework, citizens are involved in decisions that align government programmes with the public’s needs. In such instances, participating members of the public have a sense of pride and ownership in government initiatives. As such, public participation not only provides a platform to share views, but also forms an integral part of the processes meant to address pressing societal issues (Mzimakwe 2010:501).

Moreover, public participation serves as a strategy for effective resource control and information-gathering purposes. For instance, in order for the government to understand the public’s needs and concerns, it needs to consult its citizens. By using

the information extracted from the consultation processes, the former can allocate resources to deal with the issues at hand (Mzimakwe 2010: 501).

Hilliard and Kemp (in Mzimakwe 2010:504) state that effective public participation helps maintain democracy through good governance. In substantiating this point, the authors argue that good governance fosters transparency, accountability and openness. Undeniably, these aspects ensure that governmental policies benefit society. Mzimakwe (2010:505) further argues that public participation enhances the quality of public policy-making processes and the outcomes thereof, as it provides extensive information and possible solutions (Mzimakwe 2010:504).

Notably, public participation promotes a sense of 'dignity' and a culture of 'self-sufficiency' within society. It creates an environment where citizens are capable of devising their own solutions to problems instead of looking to government for help. Another benefit associated with public participation is that it facilitates meaningful dialogue between the public and government. Here, both parties learn to understand one another. In such instances, citizens become aware of the government's strengths and weaknesses. The public is sensitised about the government's capacity and related public service delivery processes, which reduces the chances of strikes. The other related benefit is that of an effective "system of checks and balances". Here, public participation ensures that both the administrators and politicians do not abuse power (Mzimakwe 2010:506).

Through effective dialogue, public participation helps eliminate public opposition. Full participation in legislative processes implies that the public's needs are considered during the initial stages of the deliberation process. As such, necessary changes can be made to the proposed policy so that it aligns with the public's needs. This bolsters the acceptance of the proposed policy, even if there is initial public opposition. Eliminating opposition to proposed programmes helps ensure effective financial resource usage. By involving the public from the onset, adjustments can be made to the proposed programme's budget, which saves money and time (Magdolna, Bowman, Dusik, Jendroska, Stec, Van der Zwiep and Zlinszky 1994 Internet source). Public participation also contributes to sustainable development, as are citizens sensitised about the balance between economic, social and environmental 'trade-offs'.

Public participation ensures the implementation of public policies that seek to maintain “sound financial management” systems, ensure the “quality of health and community services” and enact policies that help preserve the environment for future generations(Cameron 2004:8). In addition, it contributes to sustainable development by encouraging “inter and intra-generational equity” which by extension promotes social cohesion (Cameron 2004:8).

Public participation also serves as a conflict-mitigating instrument. In instances of heightened hostility between members of the public, it provides a platform to highlight and resolve differences (Mzimakwe 2010:506).

In short, the advantages of public participation include:

- Enacting contextually based public policies;
- Ensuring that the government becomes aware of the needs and concerns of the civil society;
- Facilitating effective and efficient policy-related decision-making processes;
- Creating a responsive government;
- Ensuring openness, transparency, legitimacy, acceptance of government, justice and equity; and
- Creating social cohesion (Linnes and Booher 2004:442).

2.9.2 Challenges relating to public participation

Despite all the efforts to facilitate effective public participation systems in South Africa, more work remains. Societal elements such as the socio-economic circumstances of most South Africans and the methods used for public participation programmes prove to be the primary inhibiting factors. Studies indicate that, in most cases, the most underprivileged in society are not involved in key decision-making processes. This is largely attributed to factors such as time constraints, little or no access to media and the lack of education. Socio-economic factors such as time and education play a key role in whether the public participates meaningfully in citizen involvement initiatives (Selebalo 2011 Internet source).

A substantial number of South African citizens are illiterate. As a result, law-making institutions need to find alternative means of communicating relevant information to the public as opposed to using print media. This compels legislatures to use other communication methods such as direct communication which at times might be time-consuming. Another socio-economic barrier is that many members of the public do not have access to transport. As such, they find it difficult to access venues where public participation programmes take place. As a result, law-making institutions find it challenging to hold regular public participatory programmes as more scarce financial resources are necessary to reach citizens and communicate information effectively. Moreover, the lack of necessary infrastructure such as community halls in some parts of the country hampers the rollout of public participation initiatives (Speakers' Forum of South Africa 27:2008).

Another challenge relating to successful public participation is the perceived deliberate marginalisation of the public from key legislative processes. This is associated with the inability of the constituency and parliamentary democracy offices to interact effectively with communities and convey societal concerns to relevant parliamentarians. Other contributory factors include the politicisation of constituency offices. This makes them inaccessible to certain segments of society that do not share the same political background as those in office. The alleged lack of will from parliamentarians to improve public participation also proves to be a challenge. This is reflected by members of parliament (MPs) who liaise with their constituencies but fail to transfer information to relevant departments for the necessary steps to be taken (Selebalo 2011 Internet source).

The following are some of the drawbacks associated with public participation:

- It can be resource consuming.
- Inefficient planning for public participation activities can lead to flawed implementation processes;
- It is challenging to attract the relevant participants, as the public is often not interested.

- It can be difficult to source quality inputs from the participating public.
- Language barriers, especially for participants, can lead to poor communication (Selebalo 2011 Internet source).

After considering both the advantages and challenges associated with public participation, the following section will focus on the assessment thereof.

2.10 THE EVALUATION OF A PUBLIC PARTICIPATION PROGRAMME

The implementation of a public participation programme by a state authority serves a certain purpose as it is the understanding offered in the preceding sections of this study. In order to deduce whether such implement is or is not reaching set objectives, a specific barometer for an effective assessment is essential. A barometer of such nature is one characterised by criteria that will measure aspects such as the programme's nature of inclusivity, equality and measure of the public's influence on the decision-making processes. This also includes various other core qualities adopted by the deliberative democratic theory (Chappell 2012:7), as well as the guiding principles and standards of the successful management of public participation (Andre et al.2006:2; Austrian Council of Ministries 2008:9).

Morrissey (in Marias 2007:23) aids the measuring of a public participation programme by presenting three-pronged assessment criteria. The criteria consists of aspects like "process, developmental and input indicators". The first set of indicators seeks to determine the scope and value of the public participation programme on a continuous basis. The second set of indicators aims to determine the added capacity-value of the programme on its participants on both the individual and collective levels. These indicators also focus on establishing the reduction of identified socio-political inequalities in society through the implementation of the public participation programme. Lastly, the third set of indicators focuses on establishing the extent to which the participation and/or involvement of the public has influenced the result of the policy-making process. It also concentrates on establishing the level of change brought about by the programme if any (Morrissey in Marias 2007:23).

In essence, the above-mentioned evaluating instrument seeks to gauge the “how and what” value of a public participation programme. This means it seeks to establish the quality of the implementation process. This includes establishing whether the process followed throughout implementation was characteristic and/or mindful of environmental factors that could either complement or hinder the implementation process. Furthermore, this also means the assessment criteria measures the added value-benefit of the public participation programme and change in policy trajectory. This refers to the enlightenment value-benefit afforded to the participating community and the measurable policy change-impact (Morrissey in Marais 2007:23).

Marais (2007: 23-28), highlights a list of other aspects that can be kept in mind when measuring effectiveness of a public participation programme. This entails aspects such as “capacity and process, inclusivity, impact, and form and content”. By focusing on the capacity and process strands of the criteria, the assessor has to read and gauge the knowledge and competence of the programme’s participants. Simply put, the assessor should seek to understand whether the participants are conversant/familiar with the main objective of the programme and the importance of their participation in it. This also entails measuring the participants’ understanding of the power they have in influencing the direction of the outcomes and the kind of contribution or input expected from them. This too, is inclusive of gauging the processes followed in capacitating the participants for effective participation before the actual exercise (Marais 2007:23).

Another criterion Marais highlights is that of inclusivity. Here, the assessor should establish and measure the extent to which the public participation programme manages to negotiate its way through the existing social barriers circumventing the possibilities of exclusion of a certain segment of society on any socio-economic and political grounds. The circumvention of exclusion based on elements like gender and economic status ensures that all members of the public have the opportunity to participate on an equal footing. This requires the assessor to establish what the possible internal and external factors hindering fair and equal participation could be and establish how the programme has successfully managed to overcome them. The former refers to negative personal perceptions the public might have of public

participation initiatives and the latter refers to the more socio-economic and political related inhibitors (Marais 2007:23-24).

Another equally important strand of the criteria is the quantifiable impact the participation programme has. Here, the focus is on establishing and quantifying the scope of influence the programme has had on an array of aspects. For instance, the extent to which it has achieved equal distribution and/or sharing of soft and hard resources within society. Focus is also on measuring the scope of influence the public's contribution has had on the decision-making processes and the extent to which the outcomes of the initiative bring about tangible changes in dealing with identified social ailments. This also includes measuring the extent to which the public participation initiative brings about social cohesion and breeds life to the principle of good governance within society (Marais 2007:25). In essence, the impact criterion is one of the critical measuring principles which helps determine the real intentions and effectiveness of a public participation programme. It helps with determining whether or not the public participation programme is an exercise merely for compliance or an exercise to reach the objectives of an effective public participation programme (Marais 2007: 25).

Assessing the form and content of a public participation initiative is equally important. In assessing the form and content, there is a focus on the nature and/or structure of the programme assumes, as well as the political-economic contextual relevance and validity of the programme and matters addressed. In the case of the former, the assessor is required to measure the extent to which the programme is able to adapt and adjust to the constituting elements of the environment within which the programme will take place. This is to say, measuring whether the structural arrangement and procedures of a public participation initiative are not rigid to allow the programme to appreciate the fundamentals of the matter it seeks to address. In essence, this faction criterion seeks to measure the flexibility and innovative nature of the programme (Marias 2007: 28).

Furthermore, in measuring the political-economic contextual relevance and validity of the programme and matters addressed. The assessor is required to measure the extent to which the public participation initiative focuses on promoting democratically ethical aspects for a democratically healthy and thriving society. These aspects

include elements such as “social justice” and inclusively beneficial political transformation (Marias 2007:28).

Having considered the advantages, challenges and the assessment criteria of public participation. The subsequent sections will focus on the theory of deliberative democracy as well as the theory’s relevance to public participation.

2.11 THEORY OF DELIBERATIVE DEMOCRACY AND PUBLIC PARTICIPATION

Hornby (2009:1533) defines a theory as “a formal set of ideas that is intended to explain why something exists or happens”. It is a lens used to obtain a clear perspective of a phenomenon. One such lens or “set of ideas” is the theory of deliberative democracy, which facilitates a comprehensive understanding of the public participation phenomenon.

2.11.1 The deliberative democracy paradigm

The deliberative democratic theory argues that the fundamentals of democratic politics are inclusive processes characteristic of concerted decision-making practices. Here, emphasis is on the necessity for a discussion between civil society and government to ensure “reasoned and considered decisions”. This is essential as it moves focus from competition to collective problem-solving mechanisms as a mode of operation (Chappell 2012:2). According to Pernna (1: 2017), the basic principle and/or assertion of the theory is the “deliberation of equal citizens” to guarantee the legitimacy of the policy-making process. In other words, it is a discourse based decision-making process that discourages “coercive power relations” (Kuyper 2018:2). The theory of deliberative democracy aims to improve the challenges of democracy such as uninterested, ill-informed citizens and political exclusion of the civil society (Chappell 2012:4). This is to ensure a politically mindful society complemented by a transparent and responsible governing body. The deliberative democratic theory argues in favour of policy-making processes which are mutual, considerate, rational, all-encompassing and none-coercive (Chappell 2012:6). Thus, the resultant and/or adopted policy frameworks earn their validity in the public’s perception (Kuyper 2018:1).

Four tenets underpin the theory of deliberate democracy. These are reciprocity, selflessness, inclusivity and equality. The reciprocal quality requires participants of the decision-making process to give substantiated reasons for their perspectives on the matter under review. This is argued to be indicative of the respect, one has for other participants in substantiating his/her perspective and/or preferences “and by listening to the reasons they in turn provide”. Here, the understanding is that all participating factions ought to provide justifications understandable to everyone (Chappell 2012:7)

The selflessness quality emphasises the importance of being considerate of the views and interests of all participating civilians. This quality encourages all participants to be aware of the interests and perspectives given by others when formulating their own perspectives, contributing in the decision-making process. Preference of the selflessness quality is based on the argument that, participants are afforded the opportunity to understand each other's views much clearer than they would in contentious settings (Chappell 2012:7).

The principle of inclusivity favours the inclusion of all eligible members of society into the decision-making process irrespective of elements such as gender, ethnicity, race, social class and disability. In this instance, the principle of inclusivity not only applies to the individuals themselves but to the contributions, they make in the deliberation process (Chappell 2012:9). These are the external and internal forms of inclusion. The former relates to the involvement of all affected factions of the public, which focuses on all efforts to ensure their participation. The latter seeks to ensure the integration of their contributions into the policy-making processes (Chappell 2012:72). A recommendation in this regard, is the utilisation “of various forms of communication backed by logic and reason” to ensure full expression and understanding of the various interests and perspectives (Chappell 2012:9).

Another tenet of the theory is ‘equality’. Here, emphasis is on ensuring that all participants are equal and that they have equal and/or similar opportunity to contribute in the deliberation process. However, the educated and affluent participants might dominate the process. Therefore, limiting the ability and measure of the less advantaged to make substantial contributions. Similarly, a recommendation of using various forms of communication enabling even the illiterate and/or disadvantaged to

make credible inputs is advisable. In this regard, not only is the equality of the participating persons important but their interests and views. Thus, there should be an equal measure of consideration of the inputs and the outcomes of the deliberation process should be equally characteristic of the contributions made (Chappell 2012:9).

Put differently, the principle of equality contains two meanings respectively. These are “formal and substantive equality”. On the one hand, the former relates to a substantial amount of rights citizens have which are necessary to allow them extensive participation in their country's political processes. On the other hand, however, the latter refers to the proportional measure of influence and/or ability to affect the political decisions taken (Chappell 2012:73). From the foregoing discussion on the tenets in the preceding sections. It is therefore arguable, that respect is of importance in collective decision making processes. Thus, the theory espouses mutual respect for participants’ submissions during the process (Kuyper 2018:1).

Chappell (2012:10) identifies two approaches of the theory of deliberative democracy, namely: the micro and macro approaches. The former is equal to a form of a “group discussion” such as committee meetings held by legislatures. Its defining characteristics include a defined timeframe, defined participants and a defined agenda. In terms of the micro approach, there is an audience observing proceedings of the decision-making process. On a normal basis, the deliberation process is “face-to-face”. Micro decision-making processes take place in municipal, provincial, national and international spheres (Chappell 2012:11).

Decision-making processes on a macro approach entail an “ongoing, disaggregated process of decision making in the public sphere”. It is longer in duration compared to the micro deliberation. It is useful for tasks such as the setting of an agenda and the establishment of probable solutions. It is also useful in assessing the soundness of decisions made in preceding sessions. Another differentiating element is its ability to accommodate a greater number of participants compared to a micro deliberation session (Chappell 2012:12).

Kuyper (2018:4) identifies three levels of impact, deliberative democracy compliant engagements have in society. These are micro, mezzo, and macro levels. According to Zeleznik (2016:35), the cognisance of these levels is pivotal in ensuring a successful

deliberative process. Therefore, at each level according to Kuyper (2018:4), deliberative processes carry a certain measure of benefits. This entails influential change in perception on the topic under review. In terms of the micro level, the focus is on an individual level and the beneficial change is on four aspects and/or dimensions. These are preferential change, change in perception, knowledge beneficiation and engendering a participative culture. In the micro level, there is modification of participants' choices in terms of the preferred policy trajectory as participants engage on the matter. As such, individuals gain more knowledge on the matter whilst engaged in the deliberative process. Consequently, participants' perceptions on the matter under review change. In so doing, it benefits the decision making process as it inculcates a participative culture in society. Thus making the individual receptive of deliberative processes (Kuyper 2018:4).

More so, at the group/mezzo phase, the benefit is collective learning. The assertion is that participants collectively gain a comprehensive understanding of each other's perceptions about the topic at hand, through the inputs and justifications made by everyone. However, a fundamental requirement is that the process is inclusive (Kuyper 2018:8). This further leads to another benefit, which is the circumvention of divisions amongst participating groups. The said circumvention is a result of different groups understanding their counterpart's views. The minimising of divisions further leads to a consensus on the desired policy trajectory (Kuyper 2018:10).

The macro level, which is on a broader societal scale entails three benefits respectively. These include garnering widespread public favour of the proposed policy decision, elimination of societal conflicts and/or discord and "facilitating democracy" (Kuyper 2018:4). As indicated in section 2.9.1, an inclusive public discourse on a public policy trajectory eliminates public opposition. As such, it inculcates a feeling of public ownership of the outcomes, thus ensuring acceptance and support of the course (Magdolna, Bowman, Dusik, Jendroska, Stec, Van der Zwiep and Zlinszky 1994 Internet source).

In support of the preceding assertion, (Kuyper 2018:11), maintains that involvement in policy-making legitimises the policy decision to the participants. As suggested again in section 2.9.1, inclusive public deliberative processes "help overcome divisions in society" (Kuyper 2018:12). This means it is therapeutic, particularly for societies

recovering from a long history of political divisions (Wenger 1976:26). More so, democracy in its nature espouses a governance system affirming of the principle of good governance. As such, effective and efficient deliberative democratic processes require consultation, openness and transparency amongst other key operative elements. Consequently, if implemented accordingly, this democratises the deliberative process and the outcome thereof (Kuyper 2018:13).

2.11.2 The link between deliberative democratic theory and public participation

Public participation is an instrument through which “citizens together with the government aim to resolve problems of collective choice through public reasoning” (Cohen 1989:3). Within this framework, citizens regard public institutions as “legitimate in so far as they establish the framework for free public deliberation” (Cohen 1989:3). The deliberative democratic theory advocates for “reasoned and considered decisions”. This includes processes that are characterised by collective decision-making and avoiding an ill-informed and uninterested citizenry. One can argue that the reasoned and considered decisions and/or inclusive processes that deliberative democratic theory calls for is, in fact, public participation (Cohen 1989:3).

Hence, it is pivotal to include deliberative democratic theory in this study, as it highlights the fundamental principles of reciprocity, selflessness, inclusivity and equality that underpin an effective and efficient public participation programme. Deliberative democratic theory, therefore, ensures a thorough understanding of public participation. The theory’s above-mentioned basic principles offer a yardstick to assess the soundness and/or strength of existing public participation programmes. It can also be used as a framework for drafting future public participation programmes to ensure equality, inclusivity, selflessness and reciprocity in public policy processes (Chappell 2012:7).

Furthermore, the micro- and macro-approaches of deliberative democratic theory provide a framework within which different public participation programmes are grouped. In this study, deliberative democratic theory will help explain why each public participation programme of the Gauteng Legislature falls into a specific group. For

example, sector parliaments fall within the micro-approach, whereas public hearings and feedback sessions fall within the macro-approach (Chappell 2012:11).

To provide a South African perspective, the following sections will look at the relevant regulatory framework supporting public participation.

2.12 REGULATORY FRAMEWORK SUPPORTING OF PUBLIC PARTICIPATION IN SOUTH AFRICA

In South Africa, public participation does not take place in a non-regulated environment. Legislative and/or policy prescriptions such as the Constitution, the Gauteng Petitions Act 5 of 2002, the Legislative Sector Policy and Framework 2007, the *Batho Pele* Principles, the Promotion of Access to Information Act 2 of 2002, the Municipal System Act 2002 and so forth all form part of the regulatory framework. These prescripts provide guidance on the nature and/or quality of public participation. The following section will focus on the above-mentioned regulatory frameworks.

2.12.1 The Constitution of the Republic of South Africa of 1996

The Constitution makes provision for public participation in Sections 17, 59, 72, 115 and 118 (Scott 2009:56), as well as the implementation of effective public participation in sections 16, 32, 152 and 195 (Constitution of the Republic of South Africa 1996).

To establish a solid ground for effective public participation, section 16(1)(b) of the Constitution makes provision for citizens' right to gather and/or share information and ideas. By implication, and in accordance with section 16(2), the aforementioned is complementary to the enrichment of society. Section 17 of the Constitution states that all eligible citizens have a democratic right to present petitions to relevant institutions.

Further, section 32(1)(a) and (b) of the Constitution highlights the right to information. Here, it is stated that everyone has the right to access information that is in possession of the state or anyone else for the promotion and safeguarding of any rights. In support of this sentiment, section 32(2) of the Constitution advises for the enactment of national law for the implementation of the democratic right to information. Section 59(1)(a) of the Constitution mandates the National Assembly (NA) to ensure that the

public participates in its activities and that of and its committees. This is substantiated in section 59(2) of the Constitution, which mandates the NA to open its doors to both the public and the media in its committees' gatherings and to exclude them only when it is democratically legal, justifiable and necessary (Constitution of the Republic of South Africa 1996).

Section 72 of the Constitution focuses on the public's access and involvement in the National Council of Provinces (NCOP), indicating in subsection (1)(a) that the NCOP needs to ensure that civil society is included in its legislative undertakings and committee activities. This requirement is supported by Section 72(1)(b), where the NCOP is required to perform its functions guided by the principles of openness and transparency. Further, Section 72(2) also warns the NCOP against excluding the public and the media from its committees' gatherings without democratically legal and justifiable reasons (Constitution of the Republic of South Africa 1996).

Furthermore, Section 115(d) indicates the capacity of provincial legislatures and their committees to accept "petitions, representations or submissions" submitted to them by interested parties. Section 118(1)(a) stipulates that provincial legislatures are required to establish conducive platforms for public involvement in their legislative processes and that of their committees. In support of this requirement, Section 118(2) warns provincial legislatures against denying the public and the media access to its committee gatherings without democratically legal, fair and justifiable reasons (Constitution of the Republic of South Africa 1996). Moreover, Section 152(1)(e) mandates the municipal government to ensure that communities and local formations contribute meaningfully to matters pertinent to local governance. This sentiment is further expressed in Section 152(2) where local government is encouraged to make use of both its financial and administrative resources to ensure that local communities are involved in local governance (Constitution of the Republic of South Africa 1996).

The Constitution also advocates for a public administration that is in line with the principle of good governance. It does so by outlining the "basic values and principles governing public administration" in Sections 195(c), (e) and (g). Through these values, the Constitution espouses a method of development-based governance. One that heeds the needs and concerns of society, facilitates public participation and ensures

that the public receives accurate information in a timeous manner (Constitution of the Republic of South Africa 1996).

2.12.2 Promotion of Access to Information Act 2 of 2000

To give substance to the constitutional provision of affording all persons the right of access to information, as stipulated in Section 32(1)(a) and (b) and Section 32(2) (Constitution of the Republic of South Africa 1996), the Promotion of Access to Information Act emphasises the importance of inculcating a culture of transparency and accountability. This is to eradicate the secretive and unresponsive culture perpetuated by the apartheid system (Promotion of Access to Information Act 2 of 2000).

The Act acknowledges civil society's constitutional right to access information held either by the state or any other persons to exercise or protect any rights. It creates a conducive environment for goal-oriented governance systems and educational initiatives to educate citizens about their rights. These educational initiatives empower society to become a fundamental part of the decision-making process – especially when the outcomes have a bearing on their lives (DWAF 2001:13).

The Act outlines the provisions for general application. These include the right to access particular application processes, modes of accessing information and “grounds for refusal of access to records” in both public and private institutions (Promotion of Access to Information Act 2 of 2000). Section 29 of the Act provides details of the various modes of accessing information. For example, where no prior specifications have been made, the requester must receive the information in the available format, be it written or printed. However, if specifications are made and the institution in possession of the records have the available resources to do so, it can be reproduced in the requested format. The institution should arrange to produce it in the mode requested by the requester. This also applies when the requester of the record has a disability and is unable to make use of the record in its available format. In such instances, the institution in possession of the information should make the necessary arrangements to reproduce the information in the most conducive state for the requester (Promotion of Access to Information Act 2 of 2000).

The Promotion of Access to Information Act 2 of 2000 also states that if the requester specifies the language he/she would like the information in, the institution in possession of the records should arrange to meet these requirements. However, if the institution is not able to meet the language requirements, the information should be available in the applicable language. The Act also makes it clear that where access fees are applicable, the party requesting the information should make necessary payments to access the information (Promotion of Access to Information Act 2 of 2000).

2.12.3 Municipal Systems Act 32 of 2000

The Municipal Systems Act 32 of 2000 (hereafter referred to as the Systems Act) helps ensure goal-oriented participatory programmes in all municipalities. It considers the proactive involvement of communities in areas like planning and service delivery, and underscores the importance of managing the performance of modern governance systems. The acknowledgement of “reciprocal rights and duties” underscores the Act’s purpose of establishing a mutual and peaceful relationship between relevant municipal stakeholders (Municipal System Act 32 of 2000).

In agreement with Section 17 of the Constitution, Chapter Four of the Systems Act, under the title “Community Participation”, sets the scene for effective public participation in local municipalities. Section 16(1) mandates municipal government to establish a representative and participative governance system. In achieving this goal, the Systems Act advocates for an environment where local communities are actively involved in local governance matters. In this environment, local communities play an integral in planning, enforcing and assessing systems like IDPs, performance reviews, budgetary processes and strategic decision-making (Municipal Systems Act 32 of 2000).

Section 17(2) to (4) provides guidelines for developing and implementing suitable mechanisms, processes and procedures for citizen engagement. In doing so, section 17(2) (a) to (e) highlights the necessary aspects that local government must implement to ensure successful public participation. This includes facilitating submissions from the public through petitioning and considering the public’s input during public

gatherings convened by the municipal councillor, engagements with community-based organisations (CBOs) and feedback sessions with members of the public.

When developing mechanisms to facilitate participatory programmes, section 17(3)(a) to (d) reminds decision-makers to consider the various socio-economic characteristics of their subject communities. As such, local municipalities must make provision for sectors of society that cannot read or write, those living with disabilities and the disadvantaged (Municipal Systems Act 32 of 2000).

Furthermore, Section 18(1)(a) to (c) indicates the significance of informing local communities about available instruments for their active participation in local governance. Here, the Systems Act advises local government to educate local communities on the issues that public participation exercises should focus on, and the rights and obligations of all participants – be it the public or the officials facilitating public participation. In fulfilling the requirements stipulated in section 18(1), section 18(2) warns local government to be mindful of social elements such as language preferences and/or the predominant language within communities where participation programmes are being rolled out (Municipal Systems Act 32 of 2000).

Sections 19, 20 and 21 further advise government on issues such as notifying communities about council meetings, as well as accessing and communicating important information to communities. In notifying the public about council meetings, section 19 mandates the municipal manager to inform the public about logistical arrangements such as the time, date and venue of the council meeting, either ordinarily or urgent. Section 20 explains the importance of making council and committee meetings open and accessible to the public and the media. It states that exclusion of the two from council and committee meetings should be lawful, democratic and fair. It further indicates that both the public and the media may not be excluded during exercises such as the tabling of a draft bylaw, a municipal budget, the a draft IDP and/or its amendments, as well as the deliberation on entering “into a service delivery agreement” (Municipal Systems Act 32 of 2000).

Section 21 of the Municipal Systems Act prescribes ways through which local government should communicate information to local communities. It states that if public information is communicated through the media, the relevant local government

should make use of local newspapers and community radio stations to convey the message. Furthermore, the Systems Act also advises the use of the most used or dominant language to convey information to local communities (Municipal Systems Act 32 of 2000). It also makes provision for illiterate sections of society. In these instances, the relevant municipal officials are required to assist the public with comments for submission and completing forms (Municipal Systems Act 32 of 2000). The public must be informed on where and how to obtain the documents with the relevant information. To ensure the accessibility of notices, the Municipal Systems Act requires all *Provincial Gazettes* to be available at all local government offices. Section 21(a) and (b) focuses on the distribution of information through documents and the official website. When using documents, the Systems Act mandates local government to visibly exhibit documents on branch office and library notice boards. The Systems Act also advises local government to publish relevant documents on its official website. In line with this, the Systems Act mandates local governments to create official website to publicise information. This requirement only applies where the local municipality has the financial capacity to establish its own official website. However, if a municipality does not have the financial capacity to create a website, information should be posted “on an organised local government website sponsored or facilitated by the National Treasury” (Municipal Systems Act 32 of 2000).

2.12.4 Integrated Development Plans

This participative and tactical planning mechanism cross-cuts planning and/or decision-making processes at a local government level. It is cross-cutting in a sense that it entails political, financial, managerial and administrative planning. As a planning mechanism, it enables all relevant stakeholders to highlight crucial development areas, precise goals and targets, and strategies to realise the set goals and objectives. It is a legally prescribed process and the resultant blue print takes precedence over all other pro-development plans within the local government milieu (South African Local Government Association (SALGA) 2001:4).

When implemented correctly, the IDP presents an array of benefits for all stakeholders. These include aspects such as the empowering of participants, the integration and/or alignment of decisions from various sources for consensus-building

purposes and the alignment of available resources with identified societal needs (SALGA 2001:9). The mandatory or legal nature of the IDP is reverberated in chapter five of the Municipal Systems Act 32 of 2000. As a legal prescription, local governments have a mandate to ensure that local communities participate in IDP processes. This entails involving and/or consulting the affected local communities through established democratic processes before the final plan is adopted (Municipal Systems Act 32 of 2000).

The above-mentioned Act further mandates local government to effectively liaise with the public to source out its development requirements and ensure their participation in the drafting of the IDP (Municipal Systems Act 32 of 2000). Further, municipal governments must give local communities an opportunity to take part in relevant budget processes and other decision-making processes related to service delivery (SALGA 2001:4). Amongst other requirements, locals and official administrators should take part in IDP appraisal processes to monitor and assess its effectiveness. In this regard, the participation of official administrators ensures that the work carried is in line with established operational priorities. In turn, local communities can judge whether the IDP process is effective in responding to their needs (South African Local Government Association: 2001:10). Prior to the appraisal, the relevant local government authority notifies the affected public about the format or relevant process the IDP process will assume (Municipal Systems Act 32 of 2000).

2.12.5 The White Paper on Transforming Public Service Delivery 1997

In South Africa, Public service delivery is a contentious issue within a political and public governance sphere. Civil protests due to alleged low standards of public service delivery throughout the country is evidence of the ailment. Also known as the *Batho Pele* Principles, the White Paper on Transforming Public Service Delivery (WPTPSD) intends to guide and improve the public service delivery process in South Africa.

Notably, this policy framework focuses on decision-making processes pertinent to public services delivery. These decisions are guided by the principle of prioritising the public through regular consultation, as well as involving the public in decision-making relating to the delivery of public services (Department of Public Service and Administration 1997). Put differently, the WPTPSD emphasises the importance of

putting the public first. This requires those entrusted with the task of public service delivery to know and understand the needs and demands of the people. This entails incorporating citizens' views in decision-making processes relating to effective and efficient public service delivery. The WPTPSD presents a set of guidelines – the *Batho Pele* Principles – upon which an improved system and process of delivering public services should be based. These principles include consultation, establishing service standards, ensuring access, courtesy, provision of information, openness and transparency, remedial action and ensuring value for money (Department of Public Service and Administration (DPSA) 1997).

2.12.5.1 Consulting

Consultation sessions must take place between the public and those entrusted with the delivery of public services. Here, citizens must be informed about the nature and standard of services rendered. Also, citizens must be given the platform to decide on the type of service that best suits their needs. The requirement is not only to discuss current services, but also to consult the public about new services. An exercise of such nature increases public involvement in decision-making processes. It also leads to a reciprocal relationship between the users and providers of public services (DPSA 1997).

2.12.5.2 Establishing service standards

This principle entails setting service standards that will be used as a yardstick to measure the efficiency and effectiveness of the public service delivery process. Realistic and measurable standards should be set so that users can determine whether services are acceptable. As such, the set standards should lead to better public services. Importantly, service standards should be relevant and/or applicable to public service users so that specific needs are addressed. This exercise is an outcome of the consultation process envisaged by the first *Batho Pele* principle (DPSA 1997).

Moreover, subsequent to the establishment and approval of service processes, the standards must be widely publicised and/or communicated in “all entry points of public sector institutions”. The WPTP requires an annual appraisal of set standards to improve

the quality of service delivery and effect remedial processes where necessary (DPSA1997).

2.12.5.3 Ensuring access

South Africa's history is characterised by multifaceted forms and levels of stratification, such as race, gender and economic class. As a result, many South Africans lacked access to public services. To remedy this, the third WPTPSD principle seeks to ensure that all citizens have access to public services. This is in line with the WPTPSD's overall objective of ensuring that decision-making processes focus on delivering public services to all citizens – including previously or currently disadvantaged groups (DPSA1997).

In ensuring access, this *Batho Pele* principle requires the development of strategies to overcome factors that deny people easy access to public services. These factors include, but are not limited to, geographical distances, unaffordability of services, lack of infrastructure and facilities. Strategies of such nature result in infrastructure development. In remote areas, they bring services closer to people, ensure that services are affordable and help overcome social and cultural barriers (DPSA1997).

2.12.5.4 Courtesy

This principle emphasises the importance of ensuring civility, humility and respect when serving the public. In other words, those charged with the delivery of public services must “treat the public as customers who are entitled to receive the highest standards” of public services”. Such sentiment is underpinned by the belief that the civil service workforce is driven by the desire to serve the public with respect and dignity. Notably, public servants who have regular contact with citizens should undergo regular performance appraisals to ensure that predetermined service standards are being met (DPSA1997).

2.12.5.5 Providing information

This principle mandates both national departments and provincial administrations to provide the public with accurate, timeous information on public services. The WTPSPD indicates that this ensures access to information by those who need it. The *Batho Pele* principle of consultation is one platform that can be used to establish what type of information is required by the public and how best to disseminate it. This could include the use various media instruments using community-preferred languages.

Departments and administrations are also mandated to make information available at various public service delivery points. In remote areas, those responsible for public service delivery must make arrangements to disseminate information as effectively as possible. This includes putting up posters on trees, as well as distributing information at schools, clinics, etc. (DPSA1997).

2.12.5.6 Ensuring openness and transparency

Openness and transparency are inherent elements of a healthy constitutional democracy. Adhering to these principles fosters mutual trust between public service providers and consumers. In addition, it boosts the public's confidence in the government's ability to provide public services effectively and efficiently. The essence of ensuring openness and transparency is to ensure that the public stays abreast of activities within national departments and provincial administrations. This includes informing the public of their levels of performance, resources utilised, as well as the individuals entrusted with heading the operations of both the departments and the administrations. This is achieved by publishing departmental annual reports. In this regard, reports should be disseminated as much as possible so that remote sections in society also have access to the annual reports (DPSA1997).

2.12.5.7 Remedial action and value for money

The principle of taking remedial actions where necessary focuses on a department's capacity and/or willingness to effect remedial actions when and where necessary. In

this instance, departments and/or administrations are required to establish effective and efficient processes and procedures to accommodate and process public complaints. In establishing the aforementioned processes, certain aspects require consideration. These include accessibility, the turn around time, fairness, confidentiality, responsiveness and review. Thorough consideration of these aspects result in corrective measures that are easily accessible to members of the public. These measures are applicable to any person who wants to lodge a complaint, irrespective his/her language and educational background. Furthermore, there is a strong focus on rapid response times and corrective measures, while every complainant is treated impartially and/or fair regardless of the weight of the query (DPSA1997).

Corrective procedures should ensure complainants' confidentiality to circumvent victimisation following the submission of the complaint. This will also result in effective, efficient remedial processes. It is of equal importance to review the efficiency of public complaint mechanisms. This is to ensure that the public is satisfied with the manner and standards in which contributions are handled (DPSA1997).

The *Batho Pele* principles mandate departments and/or administrations to adhere to the principle of value for money. Those entrusted with the responsibility to render public services should do so "economically and efficiently in order to give citizens the best possible value for money" (DPSA1997).

2.12.6 Strategic Framework for Public Participation in the South African Legislative Sector

In pursuit of democratised legislative processes, the Speakers' Forum of South Africa (SFSA) provides guidelines to provincial legislatures and the National Parliament. These guidelines state when the previously mentioned institutions should focus on ensuring effective public participation. The following section will focus on the SFSA's prescriptions for public participation.

The Strategic Framework for Public Participation outlines a list of instances where law-making institutions should at all times strive to ensure public involvement in their core constitutional mandates. These include making and amending laws and during

oversight on committee work. In law-making and/or law-amending processes, the framework emphasises the importance of involving the public in activities such as budget processes, “policy priority-setting and the allocation of resources” (SFSA 2009:5).

In instances of oversight work, the framework recommends the involvement of the civil society during the consideration of departments’ quarterly and annual reports. Here, the framework recommends that legislatures create a conducive platform for an interactive process between interested/affected members of the public and state departments. Moreover, the framework also advocates for effective feedback mechanisms, as this forms part of the fundamental aspects of public participation. This is important in instances where the elected representatives have to provide feedback on matters brought to their attention by members of the public. Where the public is involved in oversight work, the framework highlights the importance of ensuring access to processes such as the “interrogation of a minister or a department and ensuring access to the information” thereof. This is tied with the recommendation of maintaining symmetry between related “political processes and facilitating public contributions” (Speakers’ Forum South Africa 2009:5).

The framework further advises legislatures to involve the public in sittings, committee meetings, during constituency periods and when receiving submissions in the form of petitions. With regard to house sittings, the framework states that pertinent information should be published and disseminated to the public at large. In similar vein, the framework highlights that the public should be well-informed about committee meetings. This includes circulating documents that contain meeting-related information. In addition, the framework advises that committee meetings should include informal networking sessions where MPs or members of provincial legislatures (MPLs) liaise with the public (SFSA 2009:6).

The framework also recommends effective public participation during constituency week and when receiving petitions. In the case of constituency week, the framework underscores the importance of MPs and MPLs sharing information gathered from such work with the relevant structures of the law-making institution. In the case of receiving petitions, the framework recommends that legislative institutions implement effective

petition systems and mechanisms to provide feedback on the submissions (SFSA 2009:6).

2.12.7 Gauteng Petitions Act 5 of 2002

According to the GPL(1997), “a petition is a written request, or a complaint made by a member of the public to a law-making institution”. To facilitate the submissions of petition, GPL passed the Gauteng Petitions Act 5 of 2002 (hereafter referred to as the Petitions Act). The Petitions Act aims to give Gauteng citizens the democratic right to make submissions to the Legislature. Equally so, the it seeks to provide guidance on the acceptable procedures relating to the submission and consideration of petitions. The act gives Gauteng citizens the right to make submissions in any of the eleven official languages of South Africa. In doing so, Section 2(a), (b) and (c) gives guidance to the relevant committee during the consideration of a petition submitted. Here, the Petitions Act requires the committee to uphold and protect the rights of the individual(s) making submissions.

The Petitions Act mandates the petitions committee to work towards ensuring the effective participation of the Gauteng citizenry. This is coupled with the requirement to “enhance democracy” by adhering to the democratic principles of accountability and transparency when processing petitions submitted by the public (Gauteng Petitions Act 5 of 2002).

Section 4(1) to (5) provides explanations on aspects such as the various types of petitions, who is eligible to make submissions, matters that can and cannot be addressed by a petition, as well as aspects which could nullify a petition submitted. The Petitions Act outlines four types of petitions, namely a single petition, an association petition, a collective petition and a mass or group petition. The first type is a submission tendered in by a petitioner. The second type refers to a submission by an association, submitted by a single representative of a particular association. The third type comprises of a collection of signatures of various petitioners voicing their dissatisfaction on a particular matter. An individual or a collection of submissions from a host of petitioners regarding particular requests or list of similar cahiers constitutes the fourth type (Gauteng Petitions Act 5 of 2002).

In detailing persons eligible to submit petitions, the Petitions Act stipulates that relevant submissions may be made by a member of the public in his/her personal capacity, on behalf of other persons who are unable to make and/or register submissions, as well as by a member of the public making submissions on behalf of a collective. In outlining aspects that a petition can and cannot address, the act indicates that only matters that fall under the jurisdiction of the Province's Legislative and Executive arms may be addressed by the GPL's petitions system. This includes matters associated with the Legislature's role in monitoring municipalities. The act also indicates that the Gauteng petitions system may not deliberate on matters that are currently considered by a court of law or any other tribunal recognised by the Constitution (Gauteng Petitions Act 5 of 2002).

The act outlines particular instances where submissions are invalid. This includes submissions that are unreadable and where the submission does not include the signature of the individual submitting it. The act states that a petition can only be accepted without a signature in cases where the person submitting it cannot write but has attached "a symbol of his or authority" to make the submission. The Petitions Act further states that such a symbol of authority should be made in the presence of two witnesses who can write and sign the petition as verification (Gauteng Petitions Act 5 of 2002).

Moreover, Section 6(a) to (g) outlines the petitions committee's role in facilitating the petitions process. Here, the committee is mandated to consider all submitted petitions that are in line with sections of the act that guide the acceptance and consideration of submissions. In instances where the submission is addressed to one of the MECs, the act directs the committee to request the particular person to make a decision and/or recommendation on the matter raised. In instances where it is decided not to consider the submission, the act requires the committee to inform the person who submitted the petition of the decision as well the reason for the decision. Furthermore, the act requires the petitions committee to report to the GPL on the petitions received, actions taken in response to the submissions, as well as other relevant committee proceedings. Importantly, the act mandates the committee to ensure that petitioners

are kept up to date on matters relating to their submissions (Gauteng Petitions Act 5 of 2002).

2.12.8 Gauteng Provincial Legislature's Public Participation Strategy

In line with its constitutional mandate, the GPL has compiled its own public participation manual. As the name suggests, the Public Participation Strategy of the Gauteng Provincial Legislature focuses on public's democratic right to be involved in the Gauteng Government's decision-making processes (GPL2011:15). In addition, the strategy emphasises the importance of creating synergy between citizens and the Legislature.

The strategy provides recommendations on how the public should be involved in the Legislature's primary functions (i.e., oversight and legislating). As such the strategy integrates public participation into various institutional strategies and mandates. As such, it underscores the relevance of public participation in all law-making and oversight exercises of the Legislature. The strategy directs the Legislature to develop its capacity to fulfil its public participation mandate, as per the constitutional requirement. This entails developing the institution's financial and human resources, as well as creating a comprehensive public participation plan. Moreover, the strategy emphasises the importance of ensuring the participation of marginalised and/or disadvantaged sectors of society in all public participation activities. It further directs the Legislature to establish relations with constituency offices and municipalities, so that proper structures and process are in place to facilitate public participation practices (GPL2011:15).

To ensure that the GPL adheres to Gauteng Petitions Act 5 of 2002, the strategy outlines key requirements to ensure effective public participation. Through its relevant institutional committee, the strategy mandates the Legislature to study petitions submitted in order to extract key "policy imperatives". This is to ensure that the province's legislative processes are in line with societal needs and concerns (GPL2011:27).

According to the strategy MPLs should keep record of all submissions made during constituency work. It further directs the Legislature to conduct public-sensitising campaigns on the importance of involving the public in government activities. The strategy also directs the petitions committee to update the house on submissions received and to ensure the increased use of the e-petitions system in all five regions of the province (GPL2011:27).

2.13 CONCLUSION

Chapter Two provided an analysis of the concept of 'public participation'. To provide a holistic view of the concept, different definitions and perspectives were considered. The chapter also focused on the three-legged strategy as preparation for effective public participation. In doing so, public participation is seen as a collaborative and consultative process where government seeks the perspective of the public in key public policy processes. In analysing the concept of 'public participation', the phenomenon was presented from various angles. This included public participation as a policy, a strategy, communication, a means of conflict resolution and as therapy.

Chapter Two also focused on the different modes of public participation, the principles and standards guiding public participation, as well as the elements contributing to the successful management of public participation. The approaches discussed included polls, roadshows, internet surveys, action research, citizen juries, community reference groups and public meetings. Guiding principles and standards such as fairness, inclusivity and a legislative process that values public input were investigated. It was found that the process should be consultative, collaborative and insightful to render the desired results.

Furthermore, Chapter Two considered both the advantages and drawbacks associated with public participation. The advantages entailed the enactment of contextually based public policies, promoting good governance and social cohesion. The challenges discussed included socio-economic factors such as illiteracy, ineffective planning processes and lack of appropriate infrastructure.

As theoretical background, Chapter Two discussed deliberative democracy by outlining its defining characteristics. The characteristics that were highlighted include reciprocity, selflessness, inclusivity and equality. It also focused on the relevance of the deliberative democratic theory in public participation. Here, the theory was said to be relevant in that it advocates for reasoned and/or considered decisions in an effective deliberative process.

In explaining public participation, this chapter also looked at the policy and legislative prescriptions guiding public participation in South Africa. This included legal prescriptions such as the Constitution, the Promotion of Access to Information Act 2 of 2002, the Municipal Systems Act 32 of 2002, the Gauteng Petitions Act 5 of 2002 and other relevant policy frameworks.

Chapter Three will focus on the role of the GPL in promoting public participation.



CHAPTER THREE

THE ROLE OF THE GAUTENG PROVINCIAL LEGISLATURE IN PROMOTING PUBLIC PARTICIPATION

3.1 INTRODUCTION

The objective of this chapter is to facilitate an understanding of the GPL's role in promoting public participation. This chapter consists of two sections: The first section will focus primarily on the provision of a general understanding of the GPL. The incumbent chapter will focus on:

- The principle necessitation of the institution.
- The institution's four-layered constitutional mandate.
- The general composition of the GPL.

Subsequently, the second section of this chapter will focus on the role of the GPL's role in promoting public participation. Here, the GPL's various public participation instruments will be discussed with the aim of understanding the manner in which the Legislature ensures public participation in the Gauteng Province. The second section will also look at the GPL's approach to promoting public participation by discussing a few instruments used between 2013 and 2016.

3.2 THE IMPORTANCE OF PROVINCIAL LEGISLATURES

The South African state machinery is structured in a three-tiered fashion, both horizontally and vertically. Specifically, this refers to the traditional three tiers of government and the three spheres of the state. It relates to the national, provincial and municipal levels of government, as well as the legislative, executive and judicial arms of the state (Rautenbach and Malherbe 2009:87). Provincial legislatures are constitutionally located on the second level of government, charged with a four-layered mandate of ensuring "oversight, law-making, public participation and co-operative governance" in their respective provinces (GPL 2014:10). Their establishment is in line with the notion that a well-capacitated regional-government structure will ensure

positive progress and the provision of quality public services (GPL 2014:10). This argument is underpinned by the principle of bridging the gap between government and society to facilitate a constitutional and contextualised system of governance (GPL 1997:22).

Aligned with the above description, the GPL was established in 1994 along with the advent of a democratic South Africa. As it is still the case, it was tasked with overseeing the functioning of the province's executive legislature, involving the province's citizens in legislative processes and maintaining a bond with the national and municipal governments (GPL 2014:9).

In carrying out its constitutional mandate, the GPL is guided by its vision and mission. Through its vision, the Legislature aims to "foster public pride and confidence and enhancing government's ability to deliver services to the people of Gauteng"(GPL in Muzenda, 2014:39). The mission of the Legislature is as follows:

- "Be modern, dynamic African Legislature of the 21st century;
- Be a caring, responsive, activist and transformative legislature;
- Reflect the values, aspirations and cultures of the South African people;
- Foster ethical and good governance;
- Attract, develop and retain skilled and professional staff;
- Create a conducive working environment for all diverse groups; and
- Recognise staff contributions, reward their achievements and provide a stimulating environment" (GPL in Muzenda, 2014:39).

The subsequent sub-sections will elaborate on each of the abovementioned constitutional tasks .

3.3 THE FOUR-LAYERED CONSTITUTIONAL MANDATE

As indicated in the preceding sections, legislatures are responsible for ensuring oversight, effective legislative processes, public participation and co-operative governance. The following section will discuss each of the four mandates.

3.3.1 The legislative mandate

South African legislatures have the legislative mandate to constitutionally “make, amend and repeal rules of the law” within their provinces (Rautenbach and Malherbe 2009:85). In particular, Chapter Six of the Constitution outlines the legislative authority of provinces. In this regard, provincial legislatures are responsible for drafting and adopting provincial constitution and/or amending a previous provincial constitution with strict adherence to all requirements of the national constitution. Further, provincial parliaments have the constitutional authority to institute ordinances on aspects stipulated in Schedules Four and Five of the national constitution. On matters outside of the above-mentioned schedules, legislatures can institute ordinances only when mandated by either parliament or the national constitution (Constitution of South Africa 1996).

3.3.2 Oversight and citizen involvement mandates

Also forming part of the above-stated four-layered mandate, legislatures are constitutionally charged with ensuring the accountability of provincial executives and their accessibility to the general public (GPL 2014:10). In light of the mandate to ensure oversight on, and accountability of, the provincial cabinet, sections 114(2)(a) and (b) highlight legislatures’ responsibility to hold provincial cabinets accountable through continuous oversight on the latter’s exercise of executive authority. Furthermore, as indicated in Chapter Two of this dissertation, and central to the purpose of this study, section 118 of the Constitution mandates provincial legislatures to include public involvement in their operations so that legislation is compatible with the public’s interests (Constitution of South Africa 1996).

3.3.3 Ensuring co-operative governance

According to section 40(1) of the Constitution, government comprises of a national, provincial and local sphere with “distinctive, interdependent and interrelated” characteristics (Constitution of South Africa, 1996). On the one hand, interdependence denotes the constitutionally shared responsibilities of the spheres of government to ensure effective and efficient public service delivery. On the other hand,

interrelatedness refers to the 'regulatory supervisory' subordination of both the provincial and municipal spheres to the national sphere. In similar vein, the provincial sphere has 'regulatory supervisory' authority over the municipal sphere, although not equal to the authority of the national sphere (GPL 2014:67).

Chapter Three of the Constitution directs the legislature to ensure good governance guided by the principles of "mutual trust and good faith". A concerted effort in this regard means lending a helping hand to both the national and municipal spheres and engaging with them for purposes of coordinating matters of similar interests and/or goals (GPL 2014:67). In particular, sections 154(1) and 155(6) require both the national and provincial governments to assist municipal authorities with performing their constitutional functions, as outlined in chapter seven of the Constitution (Constitution of South Africa, 1996).

The following section will provide a general account of the GPL's composition.

3.4 COMPOSITION OF THE GAUTENG PROVINCIAL LEGISLATURE

The GPL has a dual-pronged structure, namely its political and administrative branches. At the helm of the political branch is the speaker, while the secretary of a legislature (who is the equivalent of a chief executive officer) is at the helm of the administrative branch, commonly referred to as the 'secretariat' (GPL 2014:12). Unlike national parliament which has two houses, the GPL comprises of one house with members ranging from thirty to eighty. Members have a tenure of five years, as is the case with the other eight provincial legislatures in South Africa (Chaskalson and Klaaren, 1999:13).

The following subsections will outline of the dual-pronged structure stated above.

3.4.1 The political branch

The political branch of the Legislature comprises of three sub-groupings, namely the house, house committees and the Legislature Services Board (LSB). The subsequent sections will provide an explanation of each of them.

3.4.1.1 House

The house comprises of MPLs, the equivalent of MPs in national parliament. The total number of MPLs depends on the percentage of the common voters' roll. Therefore, this would mean political parties' representation in the provincial legislature is in proportion with the votes garnered by each of them during general elections (GPL 2014:12).

The speaker is at the helm of the political branch and forms part of the leadership structure and/or leadership bracket, referred to as presiding officers. The structure comprises of the speaker, deputy-speaker, chairperson of committees and deputy-chairperson of committees. The speaker has the responsibility of ensuring and/or maintaining adherence to both constitutional and house requirements with regard to the functioning of the legislature. They are also a pivotal element in house sittings, where they impartially preside over sittings (GPL 2014:16). Essentially, this entails standing "above party politics on behalf of the legislature as a whole" (Chaskalson and Klaaren 1999:13).

In the absence of the speaker, the other three presiding officers may preside over house sittings in their order of precedence (GPL2014:16). The speaker, deputy-speaker and other presiding officers form part of MPL. They assume these positions after being voted in by the other MPLs at the first sitting following general elections (GPL 2014:16). Notably, a judge chosen by the chief justice presides over proceedings. The election of the remaining presiding officers is supervised by the speaker (Constitution of South Africa 1996).

Furthermore, the house comprises of senior office bearers and the provincial executive. The former comprises of the chief whip, deputy chief whip, the leader of government business and the leader of the opposition. These individuals are charged with the task of structuring "the broader legislative agenda of the institution"(GPL 2014:11). The latter comprises of the premier, who is also elected at the first sitting. The election is presided over by a designated judge, as it is the case with the election of the speaker and the members of the executive council (MECs). In a sense, the

aforementioned form the 'provincial cabinet' collectively. Leaders of other political parties represented and other ordinary MPLs constitute the house (GPL 2014:11).

3.4.1.2 House committees

The political branch includes dedicated house committees that are responsible for the bulk of the Legislature's work. The chairperson of committees, with the assistance of the deputy, is responsible for providing stewardship over the work of house committees. The structure and work of house committees differ per the organisation of a provincial government and by extension per the structure of a provincial legislature (GPL 2014:14).

The GPL has two types of committees, namely portfolio committees and standing committees. The former provides crucial assistance on aspects such as overseeing the work of provincial administrations, assessment of bills and analysing departmental budget votes. They may also provide assistance through tabling suggestions on structural, operational and policy-related matters of the departments they work with. These processes enable the committees to further the public participation mandate constitutionally borne by legislatures. Committees also play a pivotal role in providing detailed reports on matters referred to them in the house. This enables the house to consider the reports and recommendations so that house resolutions can be made (GPL, 2014:14-15 & 16).

Standing committees "are largely responsible for internal matters" (GPL, 2014:15). Based on the nature of their core functions and/or reasons for being established, they are generally not concerned with the work of the provincial administrations. For instance, some committees are concerned with the drafting of the institutional schedules and ensuring oversight on internal ethics-related matters. Such committees also look at tabled bills and any other issues assigned to them by the speaker and/or the GPL. The standing committees found within the legislative structure include the:

- Petitions Committee;
- Rules and Programming Committee;

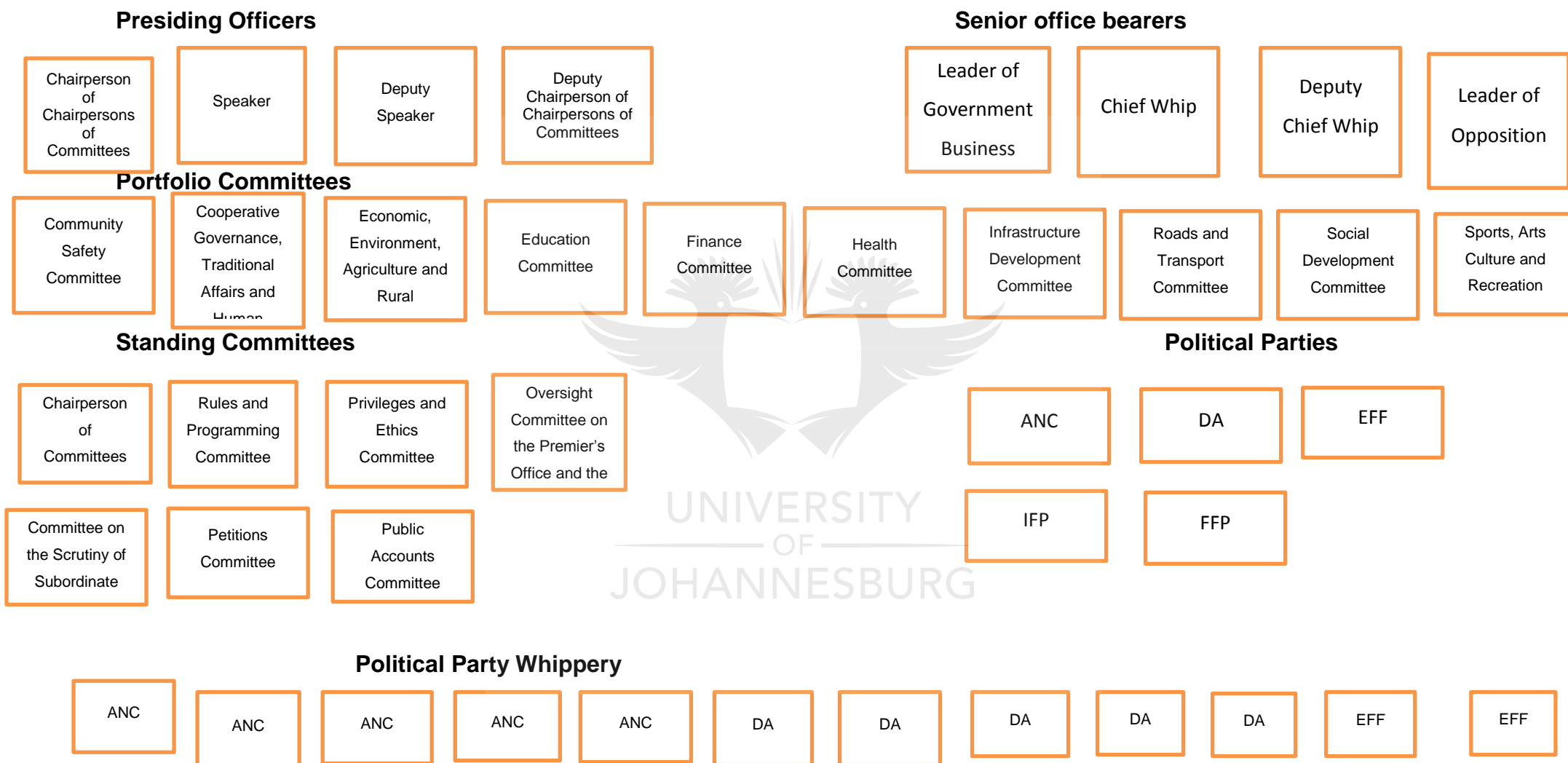
- Public Accounts Committee (SCOPA);
- Oversight on the Premier's Office and the Legislature (OCPOL);
- Privileges and Ethics Committee; and
- The Committee on the Scrutiny of Subordinate Legislation (GPL in Muzenda, 2014:40-41).

Portfolio committees found in the GPL structure include:

- Community Safety;
- Cooperative Governance, Traditional Affairs and Human Settlement;
- Economic, Environment, Agriculture and Rural Development;
- Education;
- Finance;
- Health;
- Infrastructure Development;
- Roads and Transport;
- Social Development; and
- Sports, Arts Culture and Recreation (GPL 2015:16-17).

Although standing committees are not concerned with the work of provincial administrations, the Oversight on the Premier's Office and the Legislature (OCPOL) is charged with overseeing the work of both the Legislature and the Office of the Premier. The latter, as the head of the provincial executive, is the head of provincial administrations (Muzenda, 2014:40).

Figure 3.1: Structure of the political branch/house



Source: (GPL 2015:16-17)

3.4.1.3 Legislature Services Board (LSB)

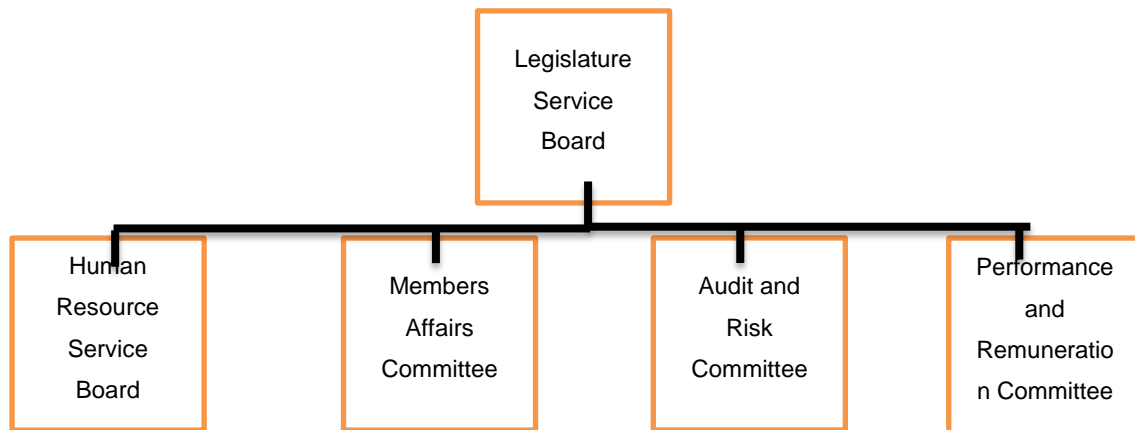
According to Muzenda (2014:42), the LSB's core function is to "provide strategic direction" to the GPL. Stated differently, the LBS is the internal corporate governance structure of the GPL. It can be regarded as an institutional governance mechanism responsible for the effective and efficient functioning of the Legislature. This entails managing and/or overseeing the overall functioning of the administrative branch of the institution. This is to ensure that the stated organisational goals and objectives are met. It also concerns itself with ensuring open and transparent operations of the Legislature by facilitating institutional control and risk management mechanisms, guiding and evaluating the framework for the institution's corporate plan, as well as budget monitoring mechanisms coupled with ethical and timeous institutional reporting (GPL 2014:24).

Members of the LSB include:

- The speaker;
- The deputy-speaker;
- The chairperson of committees;
- The secretary of the Legislature;
- Two MPLs, each from the second and third-largest minority parties;
- An 'independent non-executive member'; and
- An LSB secretary (GPL 2014:25).

The LSB comprises four sub-structures, namely the Human Development, Members Affairs, Audit and Risk, as well as the Performance and Remuneration Committees (GPL 2014:25).

Figure 3.2: Structure of the LSB



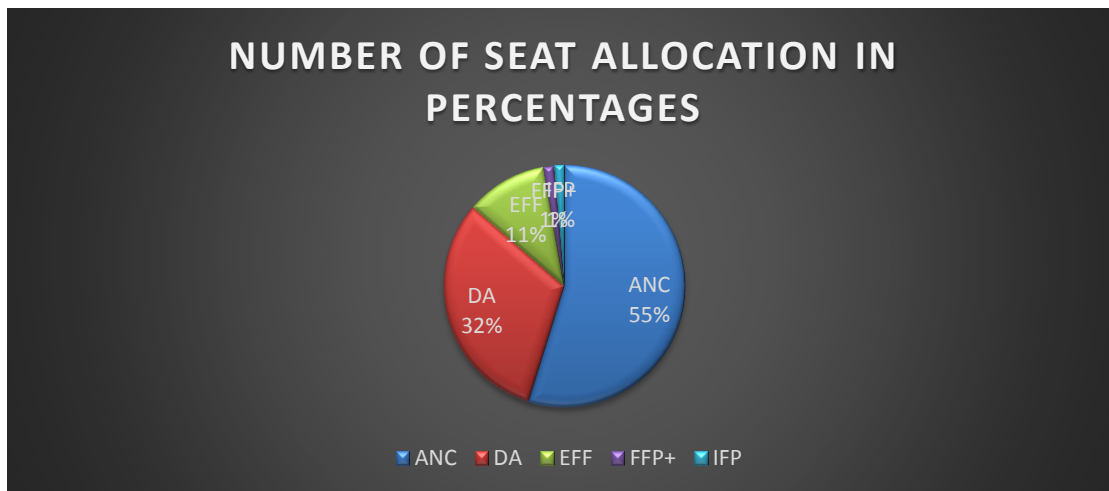
GPL 2014:24)

The current [fifth] Legislature, comprises of seventy-three MPLs from the below listed political parties, constituted in the following manner and presented in Figure 3:

- African National Congress (ANC) (40)
- Democratic Alliance (DA) (23)
- Economic Freedom Fighters (EFF) (8)
- Freedom Front Plus (1)
- Inkatha Freedom Party (IFP) (1)

(GPL 2015:46)

Figure 3.3: Represented political parties in the fifth Legislature per percentage



Source:GPL (2015:46)

3.4.2 Administrative branch

The administrative branch has two sub-units, namely the secretariat and the administration. The following sub-sections will provide an elaboration of each of these sub-sections.

3.4.2.1 Secretariat

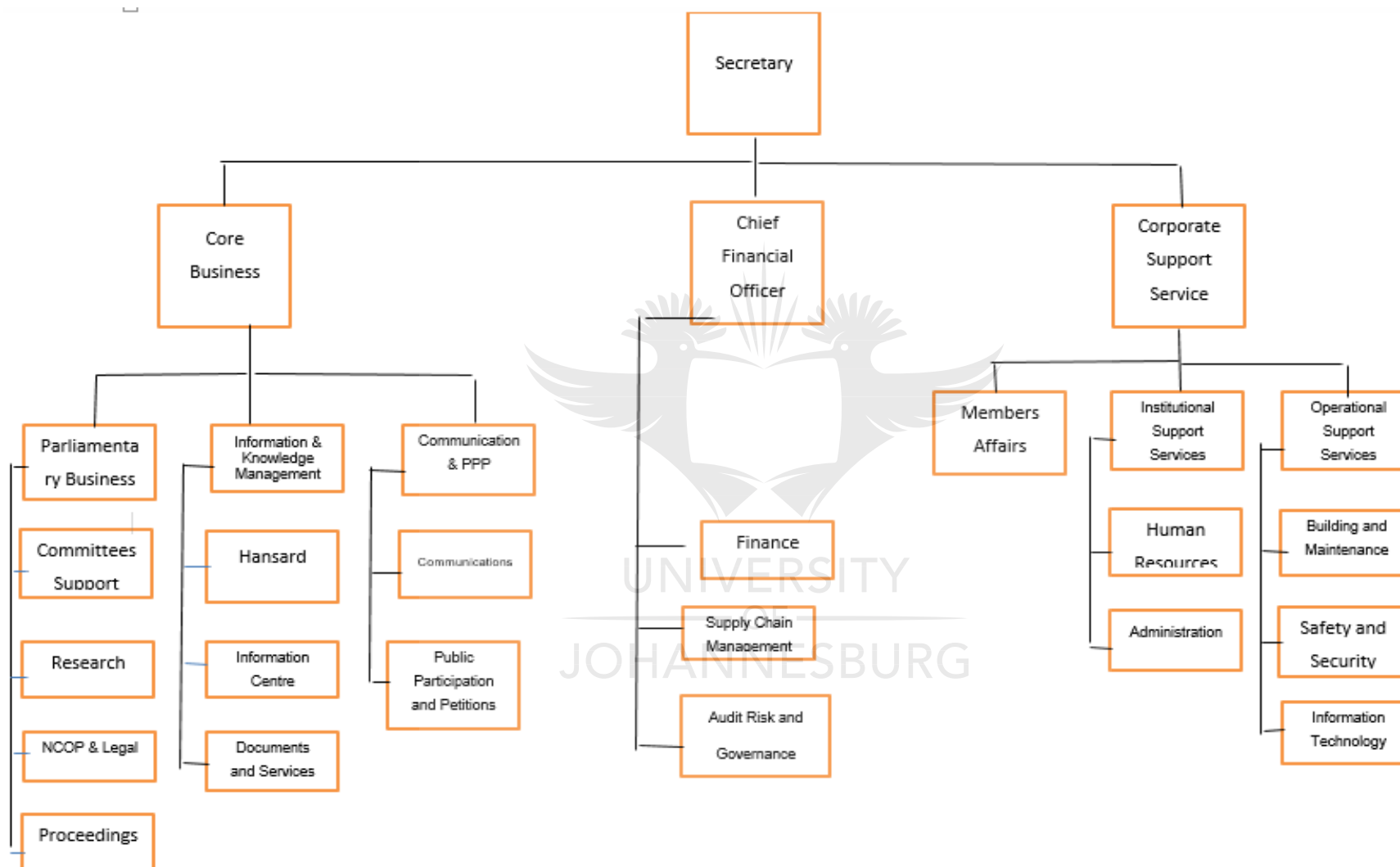
For ease of reference, the secretariat is the leadership rank of the administrative branch of the Legislature. It comprises of the secretary at its helm and departmental heads of the institution. The secretariat is tasked with ensuring a qualitatively successful operation of the institution's administrative segment. Essentially, the secretariat provides strategic leadership and/or management of the institution's administrative realm. The leadership is strategic in the sense that it establishes tactical operational plans for the institution coupled with the implementation of associated programmes and/or mandates on behalf of the above discussed institutional corporate governance structure. It is also responsible for the operationalising of tabled recommendations emanating from risk, internal audit and financial reports (GPL in Muzenda, 2014:43).

3.4.2.2 Administration

The administration's fundamental purpose is to provide administrative support to the political arm of a legislature. Here, the administrative structure of the GPL comprises of three streams, namely core business, corporate support and the office of the chief financial officer (CFO) (GPL 2014:17).



Figure 3.4: Administrative branch of the GPL



Source:GPL(2015:106)

Having looked at the structural configuration of the GPL, the following section will focus on the GPL's approach to promoting public participation. This includes the GPL's conceptualisation of 'public participation' and its list of participatory instruments.

3.5 GAUTENG LEGISLATURE'S PUBLIC PARTICIPATION INITIATIVES

In the work of the GPL, public participation is viewed from two perspectives, namely law-making and oversight. As such, its public participation mandate finds expression in its oversight and law-making mandates (GPL 2014:54 &56).

In the legislative context, the most-used technique is the public hearing mechanism. Here, there is a focus on involving the most vulnerable in society in 'pre-work'. The goal is to facilitate a thorough understanding of the proposed law, its aftermath as well as to make provision for responses from affected communities, most importantly the vulnerable (GPL, 2014:56)

With regard to its oversight context, the Legislature uses instruments such as oversight visitations and focused intervention studies. This is in accordance with its constitutional obligation of overseeing the provincial government's work, such as its policy implementation and related expenditure processes (GPL 2012:15-16). In this regard, the GPL focuses on involving civil society in all relevant stages of its budgetary processes (GPL 2014:54). To guide this process, the GPL uses the Programme Evaluation and Budget Analysis (PEBA) mechanism to "monitor the process of budget development, budget implementation and report processes of provincial departments" (GPL 2014:54). Notably, PEBA focuses on aligning provincial government's budget priorities with the public's needs and concerns. It is also used to monitor and assess the provincial government's programmes on a regular basis to make recommendations on aspects that require attention (GPL 2013:2).

An activity characteristic of both the law-making and oversight processes is the budgetary process. In this instance, committees of the Legislature hold public participation activities as part of the consideration process of a draft Money Bill. On a legislative level, this happens by making the draft Money Bill available to the public. This includes facilitating public deliberation sessions on the draft Money Bill and

seeking expert stakeholders' contributions towards the budgetary process. This also includes ensuring a budget vote that reflects the public's views on the matter (GPL 2011:25-26). From an oversight perspective, the budget is used to observe and assess the implementation thereof against policy imperatives and societal concerns.

In addition, the GPL is guided by its Public Participation Strategy. The strategy outlines the necessary steps to engage with the provincial citizens and relevant stakeholders to fast-track their involvement in the law-making processes of the province. The strategy underscores the importance of establishing long-term relations with municipalities, "constituency offices and other relevant stakeholders" (GPL, 2011:8). This is to ensure substantial involvement of the civil society in the oversight and legislative processes of the GPL.

In line with the constitutional mandate of ensuring effective public participation channels, the GPL drafted and passed the Gauteng Petitions Act 5 of 2002, which provides the public with guidelines on making relevant submissions. The Act also provides guidelines for the GPL to perform its function regarding petitions. According to the Act, the GPL is responsible for extracting key policy priorities from public submissions and implementing effective petitions practices. This also includes consolidating and increasing the utilisation of the e-petition system in all regions of the province to ensure strict adherence to the Petitions Act. Importantly, the petitions process is characteristic of both law-making and oversight processes (Gauteng Petitions Act 5 of 2002).

3.5.1 The Gauteng Provincial Legislature's public participation instruments

The Legislature promotes public participation by using several instruments. These include house sitting observations, committee stakeholder and meeting observations, public hearings, budget process workshops, public awareness campaigns and workshops, community education outreach workshops, educational tours and workshops, as well as sector parliaments. The Legislature also uses the *Bua le Sechaba* principle and its citizen responsibility campaign (GPL 2012:32-34).

During **house sittings**, the public has the opportunity to observe sessions but cannot contribute to the discussions and/or debates. Furthermore, with committee stakeholder and meeting observations, the public is invited to attend meetings as

stakeholders or ordinary members of the public to contribute by way of submissions (GPL 2012:32). Another supporting initiative is the 'taking committees to communities' initiative. In this regard, the Legislature's committees have their meetings in various locations around Gauteng to familiarise the public with their role and functions and to gather information concerning societal issues that require the committees' attention (GPL 2011:30).

Public hearings are meetings held by the Legislature to solicit the public's opinion on issues such as proposed bills and other issues relating to the work of provincial government administrations (GPL 2012:32). Furthermore, budget process workshops are used to inform Gauteng citizenry about the province's governmental processes. It informs the public what a budget is, the mechanisms used by the government to collect revenue, the resource allotment process, key role-players of a budget process and the means through which the public can participate (GPL 2013:2). In short, these workshops address the what, where, how and who related to a budget.

Moreover, the Legislature uses **public awareness campaigns and workshops** to make itself accessible to civil society. Through this instrument, the Legislature aims to sensitise the public about tabled bills and about available channels to make contributions. The Legislature's committees use this to get feedback from the public on relevant matters such as education and health (GPL 2012:33).

Bua le Sechaba is an involvement and oversight instrument used by committees of the Legislature to take parliament to the people in order to establish priority areas within society. It is also used to identify the interests and concerns of the public relating to the work of the Legislature's portfolio committees and to evaluate provincial government activities that focus on improving the lives of Gauteng citizens (GPL 2011:30). In preparation of a *Bua le Sechaba* campaign, the Legislature conducts preparation workshops to facilitate knowledge and understanding of the exercise (GPL 2015:2).

Community education-outreach workshops are carried out to sensitise the public on the principles and/or rules of democracy, the nature of institutions espoused by it, electoral systems used in the province and the functions of the GPL. These workshops

are held in Ekurhuleni, City of Johannesburg, Tshwane, Sedibeng and the West Rand (GPL 2012:33).

The **citizen responsibility campaign** seeks to consolidate and broaden democracy through facilitating interactions between the provincial government and the public. Here, one of the important goals is to provide civic education about the functions and composition of the provincial government and of the GPL, as well as educating the public on how they can contribute to improving their own lives (GPL 2013:6).

Educational tours and workshops for learning institutions are conducted on the Legislature's premises. Here, pupils and tertiary students from all regions of Gauteng are taught about South Africa's democratic process, coupled with their rights and responsibilities as citizens (GPL 2012:33).

A **sector parliament** may be understood as a group-based parliament, where a specific section of society congregates to discuss important socio-economic issues. The aim is to devise possible solutions and share applicable information with the government. Group-based parliaments are an effective method for collecting and distributing information to ensure effective public policy-making and implementation (Whiting and Salmon 2010:10). Sector parliaments enable participants from varying socio-economic environments to engage with government on issues pertinent to their development. Participants are encouraged to take part "in [the] decision-making and legislative processes" of their society (Whiting and Salmon, 2010:10-11). In essence, they are means of establishing a social discourse and a political arena for sectors of civil society to produce recommendations and "house resolutions for implementation by relevant departments" (Mpumalanga Provincial Legislature (MPL) n.d.).

Sector parliaments held by the GPL include the Women's Parliament, Youth Parliament, People's Assembly, Worker's Parliament, Senior Citizens' Parliament and Person with Disabilities Parliament (GPL 2011:28). The Legislature has recently introduced the Interfaith Sector Parliament, Commercial Sex Workers Parliament and the Lesbian Gay Bisexual Trans/Intersex Sector (LGBTI) Parliament.

The subsequent section will focus on the GPL's focus on public involvement.

3.6 PUBLIC PARTICIPATION BY THE GAUTENG PROVINCIAL LEGISLATURE

The following section will investigate and describe the GPL's activities to promote public participation between 2013 and 2016. In particular, the focus will fall on the:

- Youth Sector Parliament;
- Women's Sector Parliament;
- People with Disabilities Sector Parliament;
- Interfaith Sector Parliament;
- Commercial Sex Workers Sector Parliament;
- LGBTI Sector Parliament; and
- The 2015 *Bua le Sechaba* campaign by the Economic, Development, Environment, Agriculture and Rural Development Portfolio Committee of the GPL.

Specifically, this section will focus on the interaction between the GPL and relevant stakeholders under each of the listed instruments, with specific reference to submissions and/or contributions of the latter.

3.6.1. The 2015 Women's Sector Parliament

Gender equality has always been the universal focal point of all pro-sustainable and democratic development initiatives and/or discussions of people-centred governments and social formations alike. Since its inception, all annual discussions have focused on elements concerning the "socio-economic empowerment and development" of women citizens of Gauteng Province (GPL, 2014:3).

The 2015 annual Women's Sector Parliament focused on women's participation in key economic sectors. These included the involvement of young women in science-related fields, women's participation in the farming sector and women as key role-players in important economic industries (GPL 2015:4).

Discussions under the first topic considered the importance of young women undertaking science-related careers. In this regard, concerns relating to the unsatisfactory representation of young women in various science-related career paths surfaced. The state of affairs was attributed to an apparent disinterest of both the public and private sectors in qualitatively promoting the participation of young women in science. Ensuring of gender parity within the science field was emphasised to realise the importance of developing relevant skills and subsequently realising the contributions women could make within this field (GPL 2015:2).

In substantiating the above argument, the discussion subsequently grouped the perceived interrelated obstacles to the full participation of young women in the science field. This grouping comprises of socio-economic challenges such as “inequality, lack of finances, lack of infrastructure and of interest, lack of support and information as well as mythical beliefs”(GPL, 2015:2). In relation to inequality, participants indicated that men received more support than women. With regard to financial factors, concerns relating to the minimal funding made available to young women to engage in science-related studies were tabled (GPL, 2015:3).

Furthermore, participants indicated the lack of infrastructural support such as fully furnished and operational laboratories and adequate, accessible and up-to-date information relating to the science field. Deficiencies in this regard are associated with a preconceived gender roles that dispels the participation of women in science-related fields. All of these challenges play a role in dissuading women from pursuing science-related careers (GPL, 2015:4).

Having aired the above concerns and contributing factors thereof, suggestions to remedy the situation were tabled. These include levelling the playing field for young women, particularly those from poor backgrounds. This entails the “development of infrastructures of knowledge centres and support groups to cater for women’s needs in science and technology”, which includes establishing mentorship programmes for aspiring young women scientists that are facilitated by established female scientists (GPL, 2015:5).

Furthermore, regarding the participation of women in farming, discussions centred on the argument that “agriculture is an economic engine that encourages growth and poverty reduction”(GPL, 2015:2). Nonetheless, participants of the women’s sector parliament expressed their dissatisfaction with the representation of women in the farming industry. Here, socio-economic elements were tabled as inhibiting factors. Other challenges that were highlighted included appropriate knowledge and skills; the required equipment; how to use the equipment and the actual farming land for successful farming (GPL 2015:3).

In addressing the above-mentioned challenges, a list of solutions and/or recommendations were brought forward. This entailed making fertile farmland available to women complemented with the necessary government skills training programmes. This also included the monitoring and evaluation of the skills and training programmes by the Office of the Premier of Gauteng. The participants also recommended the incorporation of agricultural training in schools’ syllabus to attract young people to the farming industry (GPL 2015:3-4).

Moreover, the deliberations also focused on the significance of women’s contribution in fundamental sectors of the economy such as metal and mining, construction and information technology. A resounding concern in this regard was the marginalisation of women from key enabling aspects. It was stated that women were systematically denied access to fundamental male-only economic platforms. As a result, it was highlighted that women were restricted to informal businesses, domestic-oriented business, lack of sufficient and effective support from the state and their male counterparts, among others. Support in this regard relates to financial assistance as well as skills- and knowledge-capacitating initiatives (GPL 2015:2-3).

Community skills- and knowledge-capacitating initiatives for women as a means to remedy the situation were recommended, coupled with regular monitoring by relevant state organs. Further, participants also recommended the inclusion of business training skills in school curricula, while both private and public sectors were encouraged to improving the status of women in key economic areas (GPL 2015:6).

3.6.2 The 2015 Commercial Sex Workers' Parliament

Commercial sex work, colloquially known as prostitution, is a controversial form of employment. In South Africa, prostitution is an illegal act. This is despite the fact that a considerable percentage of the population participate in prostitution, whether as a service provider or consumer. As a platform for airing the public's voice, the Gauteng Legislature established a sector parliament for commercial sex workers. This initiative is said to be an enabling mechanism for commercial sex workers to share their views and/or concerns with the province's government in order to influence legislative processes. The GPL had a dialogue for sex workers in 2014, which subsequently led to the hosting of Commercial Sex Workers' Parliament in 2015 (GPL, 2015:2).

The first Sector Parliament for Commercial Sex workers held in 2015 considered a set of important topics related to sex work. This included the link between unemployment, inequality, poverty and sex work and matters surrounding sex workers' access to healthcare services (GPL 2015:3).

Deliberations on the correlation between unemployment, inequality, poverty and sex work focused on understanding the connections between the above-mentioned elements. An underlying element in all arguments presented asserted the connection between socio-economic factors and participation in the commercial sex industry. Participants of the Commercial Sex Sector Parliament attributed their engagement in sex work as a last resort to earn a living to provide for themselves and their families. They further based their argument on the fact that they lacked the necessary education, skills and/or knowledge to enter into formal and legal forms of employment. Some asserted that commercial sex work was a way to supplement earnings from formal employment (GPL 2015:2). Also tied to the element of unemployment was that of 'social exclusion', which drove participants to commercial sex work (GPL 2015:2).

Based on the reasons provided for entering the commercial sex work industry, participants of the Commercial Sex Workers' Sector Parliament put forward recommendations to rectify the situation. Recommendations centred on the establishment of accessible education and skills training structures for commercial sex workers. This was particularly critical for sex workers who intended to leave the

industry to enter into formal and/or legal forms of employment. Other recommendations focused on the formalisation and/or legalisation of commercial sex work and the protection benefits that come with a formal and legalised work (GPL, 2015:2-3).

Deliberations included access to quality healthcare services. Here, participants voiced their concerns relating to accessing services from community healthcare clinics. A fundamental aspect that inhibited sex workers from accessing the necessary assistance was the unsatisfactory service they receive from state-employed nurses. Poor treatment from healthcare providers was linked to the stigma surrounding their profession. An example of stigmatisation is the colour-coding of patients' medical files according to their ailments (GPL 2015:2). Some attributed the difficulties encountered to the lack of legal identity documents, as some commercial sex workers are trafficked from outside of South Africa (GPL, 2015:3).

After diagnosing the challenges characterising the commercial sex work industry, participants of the Commercial Sex Workers' Sector Parliament tabled suggestions to remedy the situation. These included efficient public healthcare services underpinned by the principles of respect and confidentiality. Further, the idea of healthcare facilities operating day and night from Monday to Sunday to provide relevant assistance to commercial sex workers also formed part of the suggestions (GPL, 2015:3).

Participants of the Commercial Sex Workers' Sector Parliament advocated for specific training of commercial sex work oriented healthcare givers to ensure area-focused healthcare services. Suggestions also discussed the provision of trade tools such as condoms, both male and female. Another aspect of the suggestions focused on advocating for the establishment or facilitation of a dialogue between the public and the commercial sex workers. This is meant to create a platform for understanding between the two parties to eradicate the stigmatisation and social seclusion sex workers experience within society (GPL, 2015:3).

3.6.3 The 2013 People with Disabilities Sector Parliament

In its entirety, South African law and its governing principle promote a non-discriminatory and a pro-sustainable development environment. This principle is

encapsulated in Chapter Two of the South African Constitution wherein all citizens are equal, irrespective of race, culture, gender, physical abilities or any distinguishing personal traits (Constitution of South Africa 1996).

To this end, the GPL hosts an annual sector parliament for Gauteng citizens living with disabilities to ensure that they contribute in legislative processes. Fundamentally, the GPL engages in this venture to facilitate an understanding of the issues faced by people living with disabilities (PWD) (GPL 2013:2).

Discussions at the 2013 Annual Sector Parliament focused on imperatives such as people living with disabilities' access to health, and social services and education (GPL 2013:10). The first topic under discussion included aspects that keep disabled citizens from gaining access to quality healthcare and social services. In this regard, participants indicated that public service facilities were not capacitated to cater for their varying needs. For instance, they indicated the difficulties experienced by citizens who are either deaf or blind. At public healthcare facilities, these patients were unable to communicate effectively with their healthcare providers, as there were no sign language or braille facilities. This was also the case at other public service institutions where blind members of the public had to rely on the sighted persons to assist with reading or the completion of documents (GPL, 2013:1).

Regarding healthcare facility-related problems, participants indicated dissatisfaction with the quality of service rendered to them in general. This included insufficient chronic medicine stock and patients who were referred to other healthcare facilities without referral letters resulting in the patient not receiving medical assistance. Further, participants raised their concern on the misplacement of patients' medical files, which also resulted in patients not receiving medical attention (GPL 2013:1).

Further concerns also entailed dissatisfaction emanating from the processes followed by doctors performing disability grant assessments on applicants. Here, participants indicated that doctors certified candidates who did not qualify for disability. Another concern centred on the inadequacy of qualified social workers to perform regular visitation assessments for the disabled and the ill-treatment of intellectually challenged people within society, which warrants state intervention (GPL, 2013:1).

Having shared their concerns among each other and with their government representatives, recommendations were brought to the fore. These entailed strengthening communication avenues in public service institutions, such as ensuring sign language and braille services. Further, participants also recommended an increment on the number of social workers and their collaboration with non-governmental organisations (NGOs).

It was also recommended that relevant state authorities ensure sufficient medical supplies to clinics and hospitals. Relating to public healthcare centres, participants advocated that patients be allowed to keep hard copies of their medical files and the establishment of an electronic archiving system. The former recommendation is useful in instances where a patient is visiting a different public healthcare facility. The latter recommendation is to ensure the safekeeping of medical records. (GPL 2013:1).

Participants recommended the facilitation of a service delivery reporting mechanism by municipal governments focusing on initiatives solely implemented for people with disabilities. Further, area-specific formal skilling of home-based caregivers to ensure required services were recommended. More so, doctors engaging in state disability grant candidate assessments were advised to review their qualifying assessment criteria. In addition, participants advocated for the involvement of disabled people in the day-to-day management of NGOs and ensuring a qualitative presence of nurses and social workers at healthcare centres to cater for people with disabilities (GPL, 2013:1-2).

In line with section 29(1)(a)(b) of the Constitution in enforcing everyone's right to accessing quality education (Constitution of South Africa, 1996), participants discussed people with disabilities' access to education. In this regard, the discussion focused on highlighting the challenges faced by disabled people in accessing quality education. (GPL 2013:3-4).

The majority of the education-related grievances were infrastructural. This entailed the inaccessibility of schools due to the lack of suitable transportation systems and sufficient ramps in and around the schools. Another challenge highlighted was the lack

of sufficient support mechanisms for quality learning (e.g. learning instruments such as braille, sign language interpreters and optical as well as hearing aid devices). Furthermore, participants also stated that schools did not have dedicated desks to cater to the needs of those living with disabilities. More so, a concern was raised regarding the number of disabled children who were not attending school or received any formal training. In addition, the need for the establishment of both stimulation and Adult Basic Education and Training (ABET) centres for people living with disabilities was also identified. A non-infrastructural concern focused on the need for awareness campaigns to teach society about people with disabilities to facilitate inclusion and social cohesion (GPL 2013:1).

Having considered the above challenges, the discussion culminated to the following recommendations:

- Professionalisation of work within learning institutions for people with disabilities;
- Adequate capacitation of learning institutions in the form of supportive mechanisms, such as sign language interpreters, braille, as well as optical and hearing devices;
- Free and quality transport for people with disabilities attending school or any formal training programme;
- Building more ramps and restrooms in schools and libraries;
- Ensuring equal representation of people with disabilities in school governing bodies;
- Provision of more learnerships to people with disabilities; and
- The placement of psychologists in schools for people with disabilities (GPL 2013:1).

3.6.4 The 2014 Lesbian Gay Bisexual Transgender Intersex Sector Parliament

Despite the legislative inroads made on creating a fair and equally protective playground for homosexual citizens in South Africa, lesbian, gay, bisexual, transgender

and intersex (LGBTI) people still face discrimination and other associated negative consequences because of their sexual orientation. In support of national legislation through its oversight and participatory role to protect and uphold the human rights and dignity of the LGBTI people, the GPL holds the annual LGBTI Sector Parliament where citizens who fall in this group collectively share their needs and concerns with provincial government (GPL, 2014:2).

The 2014 LGBTI Sector Parliament focused on three significant topics in relation to LGBTI people of Gauteng. These included safety-related matters, access to public healthcare and participation in the state's economy (GPL, 2014:2). Inputs related to LGBTI civilians' access to quality public healthcare services centred on the concerns people had in this regard. One of the root causes of concern pointed to healthcare practitioners' negative attitude towards LGBTI people. Healthcare providers were said to condemn gay and lesbian patients because of their sexual orientation. As a result, gays and lesbians seldom visited public healthcare centres, as they feared criticism. In such instances, healthcare providers were said to neglect their contractual duties and resorted to giving corrective guidance to LGBTI patients with the aim of converting them to a heterosexual lifestyle (GPL 2014:3).

Moreover, other health-oriented concerns related to the lack of insight on "safe sexual practices, mental illness and the prevalence of sexually transmitted illnesses, cervical and prostate cancer" (GPL 2014:3). The issue related to the lack of insight on safe sexual practices is due to the Department of Health's (DoH) 'heterosexual-normative' safe sex education. Here, participants described the nature of the information as somewhat discriminatory as it focused on heterosexual practices. As a result, LGBTI Sector Parliament participants attributed the prevailing health-related challenges to the lack of lifestyle-relevant information (GPL 2014:4).

Social condemnation in the form of stigmatisation, social seclusion and corrective rape are but a few factors contributing to the reported mental illnesses, such as depression, amongst the LGBTI people. In this instance, participants attributed mental illnesses such as depression, anxiety, bipolar disorders as well as other stress-related illnesses to the various forms of condemnation LGBTI people experience within society. To validate this point, participants asserted that LGBTI people on chronic medical

treatment default on taking their treatment because they do not regularly fetch it from medical centres. This, amongst other reasons, is attributed to the fear of scathing judgment from healthcare providers and society in general on the basis of their sexual orientation (GPL, 2014:5).

Furthermore, social ills such as corrective rape also contribute to depression amongst LGBTI people. Here, gay and lesbian people are correctively raped with the intention of converting them to a heterosexual orientation. This consequently leads to suicide in some LGBTI people. Moreover, the high levels of Sexually Transmitted Infections(STIs) amongst the LGBTI people is also attributed to the condemnation they get from public healthcare centres and one-sided sex education (GPL, 2014:5).

Having considered the ailments that threaten LGBTI people's access to quality public healthcare services, the participants of the LGBTI Sector Parliament also considered possible solutions to circumvent these problems. In tabling suggestions to even the field, participants advocated for the inclusion of 'sexual minorities' in healthcare training and/or educational curricula. In including a sexual orientation element in the healthcare training system, participants of the LGBTI Sector Parliament envisage having a public healthcare system that is equally accommodative to patients of all sexual orientations (GPL, 2014:6).

Recommendations also included public education programmes to sensitise society about the experiences and concerns of LGBTI people in society. Through this suggestion, proponents envisaged the facilitation of mutual acceptance and peaceful co-existence within society. In support of this recommendation, participants of the LGBTI Sector Parliament also advocated the inclusion of the sexual orientation education in school curriculums (GPL 2014:6).

More so, suggestions included the generating of quality educational LGBTI-safe sex practice information, as is the case with heterosexual-normative safe sex information. Yet another recommendation was consolidating relations between the Gauteng DoH and NGOs that focus on LGBTI issues. Here, proponents recommended providing resources to these NGOs in order to complement their work (GPL, 2014:7).

In considering safety-related issues of the LGBTI people, discussions expanded to highlighting critical areas perceived to be a threat to the safety of gays and lesbians in society. These critical areas entail the victimisation of LGBTI people at institutional and societal levels. The former type of victimisation looked at the challenges experienced by transgender individuals in getting new official identity documents from the Department of Home Affairs (DHA). This challenge was exacerbated by the hostility applicants received from department officials and from police officers when reporting an injustice (GPL, 2014:1).

Victimisation in the social milieu presents itself in physical and intangible forms, whereby the latter fuels the former. With regard to the former, the safety of LGBTI people is compromised by the prevalence of corrective rape and murders perpetrated by homophobic people within society. The latter form of victimisation presents itself through social condemnation. In this regard, LGBTI people are ill-treated by the homophobic members of society.

From a public healthcare perspective, recommendations favoured the inculcation of a pro-LGBTI educative element in the training processes of the South African Police Service (SAPS) and the DHA). In addition, participants of the LGBTI Sector Parliament also spoke in favour of establishing safe-homes for victims surviving from corrective rape and violence where counselling services could be rendered.

Talks on the economic opportunities in relation to the LGBTI populace focused on the role of government and the role of education in empowering the LGBTI populace. In discussing these issues, participants of the sector parliament acknowledged the legislative strides made in the making and promulgation of legislation for the protection and empowerment of the LGBTI populace. However, dissatisfaction on the implementation front was expressed, as LGBTI people still encounter challenges in their means of being active participants in the state's economic platform on an equal basis (GPL, 2014:3).

In discussing the role of the government in protecting and empowering the LGBTI populace, participants of the LGBTI Sector Parliament engaged in a retrospective analysis. As a point of departure, participants reflected on section 9 of the Constitution,

which emphasises the equality of all citizens, regardless of different personal attributes and/or choices. Participants made mention of two exemplary initiatives by the government, which are indicative of an environment moving towards being LGBTI inclusive. These initiatives are the 2006 legalisation of same-sex marriage, which was cemented “by the 230 to 41 votes in favour of same-sex marriage in the National Assembly”(GPL 2014:5) and the establishment of the task team by the Department of Justice (DoJ) to circumvent violence against LGBTI people. In this regard, participants of the LGBTI Sector Parliament indicated that the government is indeed keeping to its commitment of legislatively creating an equally accommodative environment as far as the rights of the LGBTI community are concerned (GPL 2014:5).

In considering the role of education as an empowerment tool, the debate recognised that it could be advantageous to incorporate aspects relating to the LGBTI communities in classroom teaching processes through Life Orientation. Despite this, the deliberations expressed a sense of disappointment over the minimal impact the state’s education system has had in developing this sector of society. The sense of disappointment was attributed to the conservative nature of the education system and the training teachers undergo. Here, the argument was that the education system did not adequately teach the principles of mutual acceptance and respect of people in their diversity. In addition, it was argued that teachers were not sufficiently trained on matters relating to LGBTI people and any other relevant matters affecting LGBTI learners/students (GPL 2014:6).

In failing to teach mutual respect and acceptance at school and adequately capacitating the teaching staff on matters relating to LGBTI, the discrimination against gays and lesbians will continue, resulting in them not continuing with their studies. Consequently, participants of the LGBTI Sector Parliament warned of the negative economic consequences of a discriminative education system. An education system that fails to accommodate the LGBTI bracket denies them the opportunity to receive quality education and by extension cripples their potential of being equal and active economic role-players at a later stage. Furthermore, this breeds a culture of dependency and poverty among the LGBTI people (GPL 2014:6).

Moreover, concerns about the discrimination experienced by LGBTI people in the business and work environment were raised. Here, participants alluded to the

prevailing discriminatory practices that cripple their ability to be productive in these spheres (GPL 2014:7& 8).

The discussion concluded with the tabling of four recommendations. The first recommendation emphasised the importance of penalising all homophobic institutions and/or establishments through a particular taxation system. This was to be balanced with incentivising pro-LGBTI institutions. This recommendation was to drive institutions towards being accepting and/or accommodative of the LGBTI populace. The second recommendation emphasised the importance of speeding-up progress made by the DoJ to curb all forms of violence towards the LGBTI people. The third recommendation called for the sensitisation of the LGBTI community about available business opportunities through the assistance of government agencies like the National Youth Development Agency (NYDA). As a fourth recommendation, participants called for the establishment of a gay business database, as well as a board of gay businesses to discuss matters affecting gay-run businesses with the intention of collectively finding solutions (GPL 2014:9).

3.6.5 The 2014 Youth Sector Parliament

The 2014 Youth Sector Parliament focused on economic and environmental issues. The aim was to involve the youth in relevant legislative processes and include them in the government's efforts to ensure sustainable socio-economic development. The discourse centred on important aspects such as the contribution of the youth in Gauteng's green energy and the revitalisation and mainstreaming of the township economy (GPL, 2014:5).

Discussions on the youth's contribution to the province's green energy sought to establish factors that would enable them to become active agents within Gauteng's green energy sector. In doing so, participants sought to establish ways through which the youth can contribute towards the province's green solutions, the already existing green energy solutions within the province, the impact green energy solutions have on sustaining the environment and the powering of Gauteng schools through the aid of green energy solutions (GPL, 2014:5).

In this regard, discussions stated that the youth can engage in various ventures such as “recycling, wood works, pottery and food gardening”. However, concerns were raised on the difficulties that have inhibited the youth’s ability to contribute towards green energy solutions in the province. This included the absence and/or limited infrastructural support, such as relevant information on green energy, the lack of youth-based support from existing green energy institutions and green energy infrastructure that is out-of-reach (GPL 2014:3-4).

To rectify the situation, participants of the Youth Sector Parliament recommended that the Gauteng Government create ways to enable the youth to contribute to the province’s green energy solution. These means entail providing comprehensive infrastructural support in the form of establishing township-based green energy information centres. Such centres will help capacitate the youth through imparting the relevant skills and knowledge. Furthermore, to ensure that such establishments empower the youth, participants recommended that the youth be capacitated to form part of managing the information centres (GPL 2014:6-9).

In looking at the province’s existing green energy infrastructure, participants of the Youth Sector Parliament discussed solar energy, wind energy, green buildings, as well as water and waste management. Furthermore, participants noted that solar panels have been installed in some parts of the province and recommended the installation of such panels throughout the province. They also recommended the installation of solar panels in all state buildings for cost reduction purposes. Moreover, they presented another list of alternative sources of energy solutions that the government should consider. The list entailed “geothermal energy, biomass, hydropower and biofuel” (GPL 2014:10-11).

More so, participants of the sector parliament unequivocally expressed the importance of green energy solutions in sustaining the environment. Its importance was said to be underpinned by the reduction of greenhouse emissions it promises and by extension strengthening the fight against global warming. Further, they also alluded to the benefits green energy solutions present in powering schools. In this regard, they maintained that it would help with cost reductions, which in turn will help direct their financial resources elsewhere. Other associated benefits for schools include

“development of interest amongst pupils in renewable energy and further inventive endeavours”. This will promote ownership of green energy initiatives amongst the youth (GPL, 2014:13 & 14).

Recommendations also included the investment of time and energy in creating awareness of the environmental and economic importance of green energy solutions. This is expected from all sectors of society to use their resources and knowledge to promote the involvement of the youth in the green energy economy. Platforms of media such as community radio and television stations as well as local newspapers were identified as a few of the platforms through which awareness of the importance of green energy solution can be promoted. In addition, the hosting of a multi-stakeholder dialogue to investigate the possibility and benefits of eco-entrepreneurship was also suggested. In support of this idea, the importance of knowledge resources to be made available from able resources was emphasised. A lesson-learnt report from established youth businesses to guide youth eco-entrepreneurship was also regarded as necessary (GPL, 2014:16). Furthermore, discussions on the revitalisation and mainstreaming of the township economy focused on highlighting environmental aspects, which hinder the success of Small and Medium Enterprises (SMEs) (GPL, 2014:1-4).

Participants of the sector parliament cited the illegitimate statuses of already established local businesses as a hindrance to their success. Here, participants pointed out that most township businesses are not registered due to the lack of information on relevant processes to register small businesses. This poses a threat to the success of the business because no formal assistance in the form of capital assistance or the awarding of tenders is given to unregistered businesses. Further, poor marketing practices and the lack of management capacity were also pointed out as part of the challenges faced by small business. In terms of the former, it was argued that small businesses aren't marketed effectively which results in these businesses being unrecognised by potential investors and customers. The lack of effective management capacity was said to be a threat to the development of SMEs. The lack thereof is a result of not having the necessary knowledge and skills to establish a successful business (GPL, 2014:1). Also linked to effective management capacity is the issue of long-term planning. In this regard, participants of the sector parliament

stated that most small business owners lack the necessary long-term planning skills in this regard, which subsequently affects innovation levels (GPL, 2014:3).

Other highlighted challenges include the absence of funding, foreign competition and ineffective local government tender distribution. Participants expressed the difficulties associated with receiving funding for small businesses. Since most local businesses are not registered, this poses a challenge for them to get funding due to not having traceable or existential financial records for the business. More so, the lack of such records is viewed as an unfavourable risk to potential investors and financial institutions respectively. In relation to foreign competition, participants of the sector parliament stated that most of the functioning small businesses are owned by foreign nationals, which bring no benefit to the communities within which they operate. This is because foreign-owned local businesses do not create employment for the locals (GPL, 2014:2).

Therefore, the lack of business skills and appropriate funding for local businesses give rise to the number of small foreign-owned business. In terms of local government tender distribution, participants of the sector parliament lamented on the awarding system applied. In this regard, they objected to the awarding of tenders to construction companies, which are not from Gauteng or municipal areas within which the project is to be administered. This is because such a system does not develop local companies, nor does it create employment opportunities because companies which the tenders are awarded to come with their own employees (GPL, 2014:2).

Furthermore, other identified problems involved the lack of access to technology, regulatory constraints and the lack of long-term planning. The inaccessibility of requisite technological business enablers such as the internet and computers and the knowledge on how to use them inhibits the growth and success of local businesses. This denies small township business owners the ability to function effectively and enjoy the benefits associated with the required technology. Regulatory constraints on the other hand also pose a threat to the existence and/or growth of small-scale businesses. Participants complained about rigid technical procedural requirements to be followed in registering or maintaining a business. As most small-scale business

owners do not have the technical knowledge of businesses management and technologies thereof (GPL, 2014:2).

On an infrastructural note, the insufficiency of multi-purpose business centres and the lack of land for small businesses were also identified as part of the aspects affecting the growth of small-scale businesses. In this regard, participants indicated that multi-purpose centres cater for the accessibility of businesses to potential clients as they're mostly situated in central business districts wherein there is a considerable measure of business activities taking place on a daily basis. This concern is closely linked to the lack of land for local businesses, resulting in small-scale businesses having no land to operate on (GPL, 2014:4).

In remedying the identified deficiencies, participants of the sector parliament tabled recommendations for consideration. In terms of awarding tenders, participants required a legal mechanism to be enacted requiring the sub-contracting of local small-scale business by well-established businesses. Further, participants also recommended the facilitation of state-run management skills training programmes for small-scale business owners. They also recommended the government give due consideration of township small-scale businesses concerning tender administration processes. More so, they also suggested monitoring and evaluation systems be put in place in order to monitor both the functioning of small businesses and the involvement of state institutions in grooming township businesses (GPL, 2014:4).

3.6.6 The 2016 Interfaith Sector Parliament

Amongst other constitutional privileges South Africans enjoy, they have the constitutional right to practice and/or follow a religion of their choice. In line with this provision and the constitutional mandate of provincial parliaments to promote public participation, the GPL protects and upholds this through convening an annual Interfaith Sector Parliament (Constitution of South Africa, 1996).

The 2016 Interfaith Parliament focused on two topics. Firstly, the interfaith sector in relation to the South African Constitution and secondly, how the interfaith sector can assist with quelling racism and intolerance in society. In terms of the interfaith sector

and its relation to the constitution, participants of the sector parliament lamented on the negligence of the constitution on matters relevant to the interfaith sector. For instance, concerns on the growing number of alleged false preachers as well as charismatic churches that are allegedly engaging in questionable religious practices, surfaced. According to the participants, this is attributable to the lack of constitutional regulations to provide guidance in the form of criteria to stipulate entry requirements of the sector as well as punitive measures to apply having identified churches engaging in questionable practices (GPL, 2016:2).

Furthermore, concerns on the lack of constitutional provisions to regulate the relationship between the state/government and the interfaith sector were also discussed. In this regard, concerns centred on what seems to be parasitic relations between the government and churches wherein government representatives seem to be paying attention to churches during election periods only. Participants also stated the lack of involving the interfaith sector in law-making processes. Furthermore, despite the equal treatment of the various factions of religions by the constitution, participants also lamented on the unequal treatment accorded to different religious affiliations by the government, attributable to the lack of an enforcement mechanism to enforce the equality provision as per the constitutional stipulation. Other issues raised related to the lack of premises for their respective churches and/or places of worship (GPL 2016:1-2).

Following the assessment of the relationship between the constitution and the interfaith sector, participants of the sector parliament then made recommendations to rectify the identified sector-based anomalies. This included the nullifying of the South African Council of Churches (SACC) and replacing it with the establishment of an all-inclusive Interfaith Council (GPL 2016:1).

Further, participants asserted that the interfaith sector is essential for promoting peace and social-cohesion thus they recommend a subsidy system for institutions operating within the interfaith sector for self-sustenance. Recommendations also included the self-regulation of faith-based/religious institutions wherein a mutually agreed upon criteria for the establishment of such institutions and admittance of religious leaders as per religion and/or faith is set. The self-regulation call was not separated from the

need for oversight by the government for checks and balances to circumvent irregular practices (GPL 2016:3).

Participants also called for the formulation and implementation of a policy to regulate the allocation of land to faith-based institutions. In doing so, the recommendation called for a citizen-oriented affirmative action of land allocation system wherein first preference is given to faith-based/religious institutions established by South Africans. This is said to mitigate concerns whereby faith-based institutions established by non-South Africans have land/premises whereas the ones established by South Africans don't have premises of their own (GPL 2016:4).

In discussing ways through which the interfaith sector can mitigate racism and intolerance in society, the discussion focused on four areas, namely:

- “The importance of interfaith communities in South Africa;
- the combating of racism by the interfaith sector;
- ensuring religious tolerance among people of South Africa; and
- government interventions to ensure religious tolerance” (GPL, 2016:6).

Under each of the four above-listed elements, participants focused on government support provided to the faith-based sector as well as the challenges encountered and solutions respectively.

Participants of the sector parliament acknowledged the assistance they have received from the government. In this regard, assistance was provided in the form of a platform created by the government to have talks between itself and the faith-based society and other activities that enabled the faith-based society to contribute in creating a safe and cohesive society. One of the aforesaid platforms was a prayer meeting which sought to address the incident of xenophobic attacks which occurred in Gauteng last year. The meeting comprised of the Gauteng City Region, the public, and the faith-based society. Participants also alluded to the government's facilitation of traditional healers' involvement in important state events. Other platforms facilitated by the government include the State of the Province Address, State of the Nation Address as

well as the official introduction of the first Presidential Interfaith Working Meeting in February, 2015 (GPL 2016:1-2).

Discussions also alluded to the support received from the government in working with the faith-based society to coordinate a peaceful march as a means to campaign against all forms of abuse and racism (GPL, 2016:3). Furthermore, participants also acknowledged the state's and/or government's efforts to circumvent religious intolerance amongst the public through a constitutional provision, namely section 5 of Chapter Two in the South African Constitution (GPL, 2016:4 and 5).

Challenges identified during the discussions entailed the absence of a government department to coordinate faith-based issues. According to the participants' argument, this leads to other structural deficiencies. This is inclusive of aspects such as the lack of effective and sufficient communication channels and cooperation between the government and the faith-based society. Other challenges highlighted alluded to the insufficient assistance given to the National Interfaith Council of South Africa (NICSA) by the government in the form of resources, which affects its functioning with grassroots level stakeholders. Further, the absence of an effective monitoring and evaluation mechanism on the functioning of NICSA was said to be detrimental to the existence of the faith-based society (GPL, 2016:3).

Therefore, in response to the challenges captured above, participants advocated for the establishment of a government department to manage faith-oriented matters at a state level. They also spoke in favour of developing effective and efficient communication channels between the government and the faith-based society in all spheres of government. The monitoring and evaluation of NICSA and its provision of resources also formed part of the recommendations. Participants also called for a partnership between government and NICSA to oversee the establishment of a faith-based organisation to mitigate the establishment of questionable organisations. Recommendations also included the inclusion of faith-based programmes in the school curriculum and the signing of a Memorandum of Understanding (MoU) between government and the faith-based society to guide relations between the two parties (GPL, 2016:3).

3.6.7 The 2015 Bua le Sechaba

The 2015 *Bua le Sechaba* campaign took a dual-pronged approach, namely environmental scanning and stakeholder dialogue. Firstly, the environmental scanning focused on gathering data through semi-structured interviews and semi-structured questionnaires wherein 159 small-scale businesses from Vosloorus, Spruit, Katlehong, Germiston, and Thokoza in Ekurhuleni Municipality were interviewed (GPL, 2015:6). Secondly, the stakeholder dialogue by the GPL provided a platform for the aforementioned stakeholders, Ekurhuleni Metropolitan Municipality (EMM) and the Gauteng Department of Economic Development (DoED) to understand the environment within which small scale businesses function (GPL 2015:6).

The campaign focused on assessing the development of small businesses and their contribution to the development of Gauteng's township economy. In doing so, the campaign sought to understand the level of support small businesses receive from relevant institutions as well as understanding the prospects of future development and employment opportunities, that business ventures promise. Having made such establishments and where necessary, the campaign sought to devise methods to facilitate growth and access to relevant support-providing structures (GPL 2015:1).

In considering the above-mentioned goal, the gathered data through environmental scanning revealed that minimal work has been done in terms of ensuring support to small-scale township businesses. For instance, it was discovered that the established businesses were not receiving sufficient assistance concerning marketing systems and infrastructure. It was further noted that owners of these businesses were not informed about the appropriate avenues in accessing the required support. This means that owners of small-scale township businesses lack appropriate knowledge on who to approach, be it an individual or a particular institution as well as the relevant processes to follow when seeking assistance. Furthermore, participants of the campaign lamented over the lack of physical space within which to run their businesses (GPL 2015:11).

In interrogating the prospects of future development and the creation of employment opportunities for the youth, the gathered information indicated that most small-scale

businesses are established because of the scarcity of employment and not because of the conduciveness of the market environment. More so, the information highlighted that the average age of people who own small-scale township-based businesses was between 45 and 60. Firstly, this revelation indicates that the establishments of such businesses are a result of soaring unemployment rates instead of the ripeness of the business market. This bodes ill for the creation of employment in general. Secondly, the average age of business owners indicated that the creation of youth employment is still a fundamental challenge when, on average, the active participants are not part of the youth category. Moreover, regarding the creation of employment for the youth and future development prospects, the findings of the campaign indicated the potential for the realisation of the two goals. However, in order for these goals to be achieved, necessary support in the form of finance, infrastructure and skills training is imperative (GPL 2015:13).

Moreover, in the dialogue between the stakeholders, EMM and DoED on assessing the development of small businesses and their contribution towards the development of Gauteng's township economy, the stakeholders presented their concerns relating to the challenges they experience in ensuring the success of their businesses. In this regard, the stakeholders indicated the absence of necessary funding to establish and sustain their businesses. They also raised a concern relating to the existence of illegitimate Gauteng Enterprise Propeller (GEP) consultants, jeopardising the relations between the stakeholders and the entity. In this regard, stakeholders are told about entity consultants who offer assistance with compiling business plans at a certain fee whereas the latter indicated having no such agents rendering a service of that nature (GPL 2015:6).

Moreover, in emphasising the findings of the environmental scanning, stakeholders expressed their concern on the absence of supportive measures from the EMM and GEP. This relates to not being supported by the efforts of securing land to farm on having not received funding. In addition, the stakeholders lamented over the unfriendly registration processes of the GEP. In this regard, the concern centred on the inefficiency of the application processes, as applicants have to register multiple times whilst being required to pay an application fee at every instance of the application. This particular challenge is amplified by the incident of inaccurate information being distributed by officials of the GEP on the relevant application system. Further, the

stakeholders also cautioned the GEP about the red tape involved in the 'contract financing process' which presents difficulties on the running to their businesses. They also advocated for the establishment of office-outlets in the townships of Ekurhuleni (GPL 2015:7).

In consideration of the concerns raised above, the GPL (through the Economic, Development, Environment, Agriculture and Rural Development (EDEARD) Portfolio Committee) presented recommendations, which are as follows:

- The Gauteng DoED should devise effective means to deal with the issue of illegitimate consultants;
- The Gauteng DoED should make means to avail and effectively communicate the relevant policy which stipulates the necessity to pay training fees by the stakeholders;
- Both the GEP and EMM make means to ensure "the security of land tenure" with the Department of Rural Development and Land Reform (DRDLR) and the former should assure the latter that recipients of land will be afforded the necessary finance upon being given land to farm on;
- The problematic application and registration process should be improved to ensure rapid processes thereof and produce the policy stipulating the fee payment requirement relevant to the process;
- The officials of the GEP are pivotal in distributing accurate information and their conduct should be in accordance with this role; and
- stakeholders should be adequately informed about the existing relations between the GEP and the Micro Agricultural Financial Institutions of South Africa (MAFISA) (GPL, 2015:7-9).

The above discussed *Bua le Sechaba* campaign was conducted by the Economic, Development, Environment, Agriculture and Rural Development Portfolio Committee of the GPL. Having maintained the aforesaid understanding of public participation and indicated practices as far as the concept is concerned, the GPL resolved to engage in a retrospective assessment of its already established mechanisms/practices with the intention of revising its public participation practices for revised, effective and efficient

citizen involvement processes. The aforesaid retrospective assessment is discussed in detail in the following paragraphs.

3.7 PUBLIC PARTICIPATION REFORMS

In an attempt to advance its efforts to “foster public pride and confidence” whilst being “a responsive and transformative Legislature”, the GPL embarked on an assignment to reform its public participation machinery guided by the lessons it has learnt from the first 21 years of its existence. These reforms are referred to as the ‘re-engineering public participation’ and amongst other reasons, are informed by the Legislature’s realisation of being unable to adequately establish and maintain a democratically active and informed citizenry that characterises a progressive democratic state (GPL, 2015:1). Through the ‘re-engineering of public participation’, the GPL aims to heighten the efforts of incorporating the element of public involvement in all of its legislative functions. Simply put, this refers to the efforts of the GPL in ensuring qualitative participation of the civil society in the oversight, legislative and joint-governance functions of the Legislature (GPL2015:3).

The restructuring of the GPL’s public participation machinery entails the establishment of new, creative and goal-oriented public participation instruments to complement the already existing ones. Through the establishment of this nature, the GPL seeks to enhance the communication and/or dialogue amongst elected political figures and the citizenry. The GPL also seeks to enhance the public’s understanding of relevant legislative processes through quality civil education programmes (GPL 2015:4).

Fundamentally, the public participation reforms aim to achieve particular outcomes. These include the maintenance of effective accountability of the provincial executive by the Legislature and substantial involvement of the civil society in the functioning of the GPL. The reform also aims to maintain the making and passing of ordinances through a process which is characteristic of the citizenry’s interests, thus the need for a new and effective public participation machinery (GPL, 2015:3).

From the previous paragraph, the public participation reform mission of the GPL has identified the importance of revisiting the role of constituency work in promoting

effective public participation. Here, the GPL has set out to re-establish and implement an innovative constituency programme, which will bridge the gap between the provincial parliament and the masses as well as facilitating an effectively mutual dialogue between the two. This is attainable through the rekindling and repositioning of the GPL's public participation machinery to match fundamental aspects a participatory democracy. This has also led the GPL to realising the importance of embarking on a collaborative public participation initiative with established municipal legislatures to make the government/legislatures accessible to the public (GPL 2015:5).

Therefore, in attaining the above-described vision of a re-engineered public participation, the GPL has set itself a set of objectives to achieve. These include the following:

- Increasing the prominence and/or popularity of public representatives amongst the Gauteng citizenry;
- Ensuring a qualitatively and quantitatively substantial contribution of the Gauteng citizenry throughout the planning and implementation processes of new citizen involvement programmes;
- Equipping the Gauteng populace with the prerequisite skills and knowledge for an efficient and effective public participation process;
- Conducting public participation based on qualitative research for substantial decision-making in legislative processes; and
- Aligning GPL processes with the newly reformed public participation initiatives (GPL, 2015:11-14).

The subsequent section will discuss the above-mentioned goals in detail.

3.7.1 Increasing the prominence of elected public representatives

The GPL has set four different methods to increase the popularity of the elected public representatives, respectively, entailing operationalising its revised constituency programme plan, establishing a yearly programme of taking the GPL to communities,

operationalising its social media plan and establishing a “quarterly know your Legislature programme through mass media focusing on community radio” (GPL 2015:11).

3.7.2 Substantial involvement of the public in re-engineering public participation

The operationalising of this goal involves establishing a strategy that will promote the accessibility of the Legislature and the involvement of the public in its processes by conducting a collaborative analysis of the GPL’s already existing public participation methods with the intention of sourcing both the weak and strong points and/or challenges and successes recorded. Via the gathering of information from various sources of information such as relevant stakeholders of varying backgrounds as well as national and international practices from similar institutions, this can be done, which according to the GPL, will allow it to establish a revised method to involve the masses in the development and implementation processes of public participation programmes. The process also includes the reviewing of institutional policies and programmes to ensure their compatibility with the re-engineering of the public participation plan (GPL 2015:12).

3.7.3 Empowering the citizenry for quality public participation

This objective entails four facets, namely:

- The establishment and operationalising of an all-inclusive public education programme;
- The development of a civic education oriented syllabus;
- The re-engineering of the “Learning for Democracy Programme” in partnership with the DoE; and
- The development and implementation of a “responsive public feedback system” (GPL 2015:12).

The first facet focused on the analysis of the existing civic education programmes. The purpose of this exercise was to extract the successes and failures of the current

programmes with the objective of designing an all-inclusive public education programme. Accordingly, an all-inclusive civic education programme encompasses the demographic profile of the province through means such as “promoting multilingualism through language campaigns” (GPL 2015:13).

The second facet also concentrated on the assessment of the current public education programme in order to highlight any existing anomalies, which included the involvement of external stakeholder experts to provide guidance on the shape or manner the revised public education programmes should take. The type of guidance advises the process to be followed in establishing an accredited educative programme for MPL’s, relevant GPL personnel and ‘community mobilisers’. An accredited public education programme for the above-mentioned affords training on the essentials of civic education. The implementation of the revised syllabus can occur after public sensitisation campaigns to inform the public about the restructured public education programmes of the GPL. Subsequent to the implementation of the revised programme, the GPL could then engage in the implementation-evaluation process (GPL 2015:13).

The third facet focused on the re-development of the “Learning for Democracy Programme” working in partnership with the DoE. This included the assessment of the old programme to identify its successes, and challenges and the contributing factors thereof to assist with the re-establishment of the new one. Stakeholder experts were also involved in the process wherein a syllabus and relevant educational material were designed. Prior to the implementation of the programme in schools, the GPL conducted what is called ‘thought leadership’ and roundtable sessions wherein the importance and envisaged outcomes of the programme were deliberated upon. The GPL also partnered with NGOs to promote civic education across Gauteng. The GPL was scheduled to assess the implementation of the programme in June of 2017. In terms of the fourth facet, the GPL sought to establish an effectively responsive public participation feedback system which is preceded by the establishment current state of affairs with regards to feedback and benchmarking exercises to learn best practices from similar institutions (GPL 2015:13-14).

3.7.4 Conducting a research-based public participation

Through this objective, the GPL had aimed to promote evidence-based legislative process and/or practices. This was done through the restructuring of the research objective of the institution to make provision for the public participation reforms project. Moreover, in an attempt to make provision for a reformed and evidence-based public participation, the institution has, since February 2015, been assessing the already existing and applied public participation instruments with two intentions respectively. The first seeks to highlight the challenges encountered in promoting public participation thus far whilst the second intention is to establish some assessment criteria to evaluate the re-engineering of public participation (GPL 2015:15).

3.7.5 Aligned GPL processes with newly reformed public participation

The alignment of all relevant GPL processes with the newly reformed public participation practice is to ensure synergy amongst all four constitutional functions of the GPL and amongst all units of the institution. This exercise entails an extensive analysis of the institution's operational processes, inclusive of relevant policies and systems to ensure their alignment with the public participation reforms. Further, this will be complemented by the re-consideration and/or restructuring of the relevant institution's unit to complement the re-engineering principle (GPL 2015:16).

3.8 CONCLUSION

Chapter Three set out to provide an understanding of the role of the GPL in promoting public participation. The chapter was segmented into two sections, namely the provision of a general understanding of the GPL and the role of the GPL in promoting public participation. In giving an understanding of the GPL and its principle necessitation, an elaboration of its four-layered constitutional mandate and an elaboration of the general composition of the Gauteng Legislature were provided.

The necessity was recorded as being a well-capacitated regional structure set to bridge the gap between government and society for a constitutional and contextualised system of governance to ensure progressively effective and efficient public service

delivery. The GPL's constitutional mandate was said to be law-making, oversight, public participation and cooperative governance.

In terms of the general composition of the GPL, it was said to have assumed a dual-pronged structure wherein there is a political branch headed by the speaker of the Legislature and an administrative branch led by the secretary to the Legislature. The political branch was said to comprise of the house, house committees and the Legislature Service Board. The administrative branch comprises of the secretariat and the administration.

Furthermore, this chapter provided an understanding of public participation through GPL's lenses and also made mention of various institutional public participation instruments. In terms of the institutional understanding, it was said that the institution has a dual perspective of public participation, namely law-making and oversight, wherein public participation is given expression through law-making and oversight processes. More so, the GPL's public participation instruments were listed as House sitting observations, Committee stakeholder and meeting observations, public hearings, budget process workshops, public awareness campaigns and workshops, community education-outreach workshops, institution of learning educational tours and workshops and Sector Parliaments, as well as *Bua le Sechaba* and the citizen responsibility campaign.

Chapter Three also considered public participation work done by the GPL between 2013 and 2016. This included the, 2013 People with disabilities Sector Parliament, 2014 Women Sector Parliament, 2014 Youth Sector Parliament, 2014 LBGTI Sector Parliament, 2015 Commercial Sex Workers' Sector Parliament, 2015 *Bua le Sechaba* and the 2016 Interfaith Sector Parliament. This chapter also considered public participation reforms by the GPL, which seek to heighten the incorporation of public participation in all functions of the institution. This entailed increasing the prominence of elected public representatives, ensuring substantial involvement of the public in re-engineering public participation, empowering the citizenry for quality public participation, conducting research-based public participation and aligning GPL processes with newly reformed public participation.

Chapter Four will analyse the collected data and report on the findings of the study.

CHAPTER FOUR

DATA ANALYSIS AND FINDINGS OF THE STUDY

4.1 INTRODUCTION

The purpose of this chapter is to analyse the collected data in order to provide the findings of the study. The data analysed was collected through qualitative methods and techniques, as highlighted in Chapter One. These include both primary and secondary sources. Secondary data sources include:

- Relevant published books on public participation;
- Published and unpublished dissertations and theses;
- Other published and unpublished documents;
- Official reports and documentation;
- Articles from academic journals;
- Electronic sources; and
- Legislation and other policy documents.

The primary data sources are in the form of interviews from which voice recordings were transcribed. Similar to Chapter Three of the dissertation, Chapter Four will be divided into two sections. The first section will provide the responses of the interviewed participants. The second section will address the core objective of the current chapter, namely to analyse the collected data in order to provide findings relating to the study. This was done through comparing and contrasting an ideal situation and the actual situation. As such, the content of the responses and/or the core elements of public participation will be compared to, and contrasted with, the GPL's role in promoting public participation. This responds to both the research objectives and research question of the study, as highlighted in the introductory chapter of this dissertation.

Accordingly, the subsequent section will focus on the responses of the interviewed participants. Meetings were scheduled with the participants/respondents wherein they were interviewed using the bullet points listed below. Their responses were recorded and subsequently transcribed. Due to circumstantial and/or resource limitations, the

10 respondents were interviewed. Respondents were selected on the basis of the office they hold in the institution and their role in facilitating or contribution to/involvement in public participation initiatives of the GPL. Thus, the persons interviewed make up two groups, namely the implementers of public participation and the public participants. The implementers group consisted of the following:

- Three leadership representatives of the GPL: One from the office of the secretary, the office of the chairperson of committees' chairpersons (chair of chairs) and a chairperson of a portfolio committee, respectively. These respondents were selected to gain an understanding of the GPL leadership's perspective of public participation and by extension the institution's role in facilitating public participation and associated influential factors.
- Two administrative staff: One from the committees' section and one from the public participation and petitions unit. These respondents were selected to help gain an understanding of the implementers' views of the GPL's public participation processes, the importance thereof and the challenges experienced in rolling out these processes. The selection of representatives from the leadership and administrative wings of the institution also served to gain an understanding of lessons learnt and proposed improvement strategies.

The public participants' group consisted of the following respondents:

- Five participants from the GPL's public participation programmes, namely the Youth and Women's Sector Parliaments. In this instance, participants were selected to gain a deeper understanding of the concept of 'public participation' and a legislature's functions, with specific reference to public participation.

The selection of these participants sought to verify the GPL's public participation initiatives, to deduce whether the GPL adheres to the requirements/characteristics of effective public participation and to identify areas that require improvement in the GPL's public participation machinery.

To ensure anonymity, respondents are given numbers, such as respondent 1 and respondent 2. This is in line with the ethical considerations outlined in Chapter One of the dissertation where it is stated that “the privacy of the participants’ personal information will be ensured”.

The aim was to establish the respondents’ understanding of the GPL, with specific reference to their understanding and perception of public participation, as facilitated by the GPL. In a nutshell, the questions sought to establish the respondents’ understanding of:

- Public participation;
- The role of the GPL;
- The role of the GPL in promoting public participation;
- The successes and challenges relating to promoting public participation;
- The inclusiveness of the GPL’s public participation programmes;
- The recorded success and challenges in promoting public participation;
- The perceived areas of improvement within the GPL’s public participation machinery; and
- Lessons learnt.

4.2 RESPONSES ON THE ROLE OF THE GAUTENG PROVINCIAL LEGISLATURE

Participants were asked to share their general understanding of the role of the GPL. The dominant aspects in the replies were oversight on the functioning of the provincial executive, law-making and a platform for the citizenry to air their concerns and/or views. In this regard, the highlighted responses are from respondents 3, 4, 5 and 6. The respondents are mainly participants of the GPL’s public participation

initiatives. The replies were as follows:

“My understanding of it is that they do oversight. They are involved in terms of making policies. They are also there to ensure that should the public be dissatisfied with anything that they actually are there to address those concerns of the public should there be any concerns”. Respondent 6

“The GPL makes laws and listens to peoples’ concerns and views”. Respondent 4
“It makes people to understand the functions of a legislature and it also makes laws. The community has to be part of a legislature’s functions for it to understand how laws are made so that it benefits”. Respondent 3

“My understanding is that the Provincial Legislature does an oversight to provincial departments. That is what I understand. It does an oversight to all the provincial departments of government”. Respondent 5

Respondent 5 went a step further to provide a justification or reason for the provided understanding of the role of the GPL.

“Accountability and ... ja. I think in each and every structure there is somewhere where we need to report to, so the provincial departments are expected to be reporting to the legislature”. Respondent 5

4.3 UNDERSTANDING THE CONCEPT OF PUBLIC PARTICIPATION

In this instance, respondents had to share their understanding of the concept of ‘public participation’. Dominant aspects that arose from the responses included the provision of a platform for the public to form part of policy-making processes and comment on matters relating to governance and/or service delivery. The responses also suggested that public participation is regarded as an information-sharing platform. Here, responses are from respondents 4, 5 and 6 who are/were participants of GPL’s public participation initiatives.

“My understanding is that this is a platform given to the public to also form part of policies made, to also raise their voices in terms of the acts that are there, in terms of government’s role and how they can contribute to it. So, I think that when it comes to public participation is basically a platform for us to also form part of these discussions and implementing resolutions”. Respondent 6

“What is my understanding? It is where people are consulted, where information is taken to people and in anything that is happening, either be ... what should I say ... let me say maybe their policies or new policies that need to be adopted. People need to be consulted, so they need to feel the ownership of whatever that is going to be agreed upon; so, they participate. They are allowed to give their inputs. They are given the concept and they are allowed to give their inputs”. Respondent 5

“Public participation is where community people, public people or business people participate at the legislature. Should I go further? They participate in different ways like going to the legislature or anything that they want, participating by submitting their petitions, participating in sitting at the committees”. Respondent 4

4.4 THE GAUTENG PROVINCIAL LEGISLATURE’S ROLE IN PROMOTING PUBLIC PARTICIPATION

Having offered a general understanding of the role of the GPL, respondents 1, 2, 5, 6 and 7 (implementers and participants) were then requested to provide their understanding of the role of the GPL in promoting public participation. They indicated that the GPL’s role is to keep the citizenry abreast of activities as well as involving them in oversight and law-making processes. The participants had the following to say:

“Theirs is to come to community level because not all of us can get to the Provincial Legislature. We have got senior citizens that have concerns, that have things they want to raise but they don’t necessarily know which channels to follow, and theirs are there to bring those channels or to inform and educate our communities on public participation; educate our communities on the role of the legislature and how us as

members of the community can ... well, the doors are open and it is just for us to enter these doors.” Respondent 6

“It is important like I said that when people are partnering in anything that is happening, they feel ownership. They understand why this is when we speak of a certain policy or a certain law that is there. They understand why because they were involved in it”.
Respondent 5

“They influence decisions that are there, and the role of GPL in promoting public participation is going to the people, it’s making public awareness. It is also bringing parliament, like they always do, bringing parliament to the community so that people can understand what is happening in parliament, how things are run, how decisions are made.” Respondent 5

“Ja, it’s to deepen democracy. What else is our role as GPL? It’s to promote democracy, to do oversight and law making; but mostly, for me, besides what we are supposed to do is to be able to bring the citizenry to the same understanding and the same level of the understanding of law makers as public representatives”.
Respondent 2

Unlike the other respondents, respondent 1 provided an extensive explanation of the GPL’s role is in promoting public participation.

“In my understanding, it is to get the public to understand what provincial government departments are doing and where their money is going to be spent, and to also involve the public in decision-making processes which are taken by the portfolio committees, which then affect them, especially when it comes to policy issues; and those lead to the redirection or the rechanneling of funds to avoid social ills, you know, building schools and so on.

“So, I think that is the role of the legislature in public participation, and I think also we would play a role of a facilitator. The public ... like we create a medium for the public to engage with government in terms of service delivery issues which impact them like negatively or even good.

“So, whichever way; but I think ... like the critical thing is just creating that platform because there is much of a barrier between your government departments, your provincial government departments and the public itself, although at times they do invite them to some of their processes and so on; but I don’t think that without the legislature it would be that intensified.

“... and I think also, noting that there is a specific unit within the legislature which is meant to deal with public participation and also has an element of public education in terms of what the expectations from the public are when they engage with the legislature and vice versa, as well as to what the legislature can actually assist the public with. So, I think that’s the essential role of the legislature”. Respondent 1

Respondent 7 noted the following:

“Firstly, elected public representative do not have the monopoly of wisdom. Secondly our democracy is both participatory and representative, so for the legislature as a body that represents the interests of the people, it has the responsibility on an ongoing basis to engage with them in order to understand their needs. This is for the purposes of engaging with them to assist in obtaining and/or providing more information which could assist in law making and in oversight work to basically influence decision making of the legislature. So, the legislature has a big constitutional responsibility to ensure that people are consulted on an ongoing basis in decisions that affect their daily lives.

“It is a constitutional imperative that all legislatures need to promote public participation this is also enforced also in Parliament that it has to promote public participation. Prior to one being a member of a legislature and the executive, one is elected by the members of the public. This means that all members of a legislature are accountable to the public. Therefore, if one is accountable to the public, it means they are to be informed by the public what they need to do in their behalf. Thus, it is important that a legislature involves the public to ensure policy and any other relevant decision-making processes aligned to the needs of the public”. Respondent 7

4.5 ELEMENTS OF SUCCESSFUL PUBLIC PARTICIPATION

In this regard, responses from respondents 1, 2, 5, 6 and 7 (implementers and participants) emphasised the importance of having relevant stakeholders and specific topics for discussions. Respondents also emphasised the importance of educating the participants prior the actual event. Their responses are as follows:

“Most importantly community being educated, firstly; them understanding their role and whether it is a petition that was raised; them understanding why that particular petition was raised, and also what the resolutions are to it as well as the steps that are going to be followed to implement the resolutions that were brought”. Respondent 6

“It’s working with stakeholders. It’s working with stakeholders. What contributes to that, yes, it’s working with stakeholders and also being transparent in terms of communication because sometimes you would know ... public participation is in different ways, especially when we speak of GPL”. Respondent 5

“There are different portfolios, then you don’t just call people to a meeting where they don’t understand why they are there. You communicate to say this is the meeting for this portfolio committee so that you get the relevant stakeholders who can contribute because if you just bring anyone, you might bring people who don’t have an interest in that topic and hence you won’t get the relevant participation or information or whatever that you need from that public participation meeting”. Respondent 5

“For me, effective public participation should be more focused and more targeted to specific issues, not just having a hall full of people because that does not necessarily translate into effective and meaningful public participation”. Respondent 2

“I think, for one, is getting the right particular stakeholders which would add value to such discussions, like Bua le Sechaba specifically focuses on a certain topic. Once you have those specific stakeholders who are affected by the topic, then the engagements tend to be fruitful because I think in many instances, we have had challenges where we have got stakeholders, but they don’t really address the issue at hand when you are convening like a Bua le Sechaba and so on. You find that they

raise issues of housing, but that Bua le Sechaba is not necessarily meant to address issues of housing". Respondent 1

"Also, it gives an opportunity for the public to engage with, at times, like the three tiers of government, where there's provincial, local and the national because some of these issues are cross-cutting issues". Respondent 1

"So once you have all those three tiers in a space of Bua le Sechaba which affects all those individuals, then you tend to have more effective resolutions because they will then tend to speak in one voice; and you also see the policy gaps which you then address as a committee and so on, through such; but I think ... like the effectiveness of it is having to address the policy gaps and then as a committee you then take it upon yourself to then enact bills which would then address those particular policy gaps". Respondent 1

"Just to make an example, what are roles from our Bua le Sechaba, you know, as well as ... like it's been said before, the issue of informal traders having to bring them into the formal economy from the informal economy". Respondent 1

So, those are things which then talk to specifically the two tiers of government which are the provincial government as well the local government, for them to work together in terms of finding solutions towards having to bring informal traders to the formal sector as a way of effective public participation". Respondent 1

The rapport you build with the community, the level of trust that you build with the community. That when there are issues you raise it with them, and that they can also raise issues with you. And that either when you consult them, or they raise issues with you, they will be listened to and that there will be feedback to the people who may have raised certain things". Respondent 7

"That's a difficult question. The effective participation would be if you had participated, what are the impacts that you achieve out of that?" Respondent 8

4.6 PARTICIPANTS' PERCEPTION ON THE SUCCESS OF THE LEGISLATURE'S PUBLIC PARTICIPATION PROGRAMMES

The respondents, particularly the participants of the GPL's public participation initiatives, were given the opportunity to indicate whether they viewed the initiatives or programmes they participated in as successful. The following was their take.

"Yes, it is. I'll go back to 2012, the first Youth Parliament that I took part in where we raised ... our concerns were based on public transport as well as access to education for young people, and also the policies within education, whether they are working, or they should be changed, and what we feel, and it is mostly affecting it right now".

Respondent 6

"What came from it was that one of our resolutions was in terms of transport, the Bus Rapid Transport (BRT) system, not only in Johannesburg and moved to places such as Tshwane which it came. Another one was that we said that if you look at ... and not that we are trying to adopt anything from the Americans, but these are systems that are working for their schooling systems, for instance, where a child exits school with a driver's licence".

"These are one of the resolutions that we came up with, and we have seen they have become part of discussions from the Department of Education. The MEC has highlighted in several occasions where he engaged with the public, and those have made us feel good to say that okay, fine, I contributed to that idea and here it is, it is forming part of the policy".

"Yes, it was successful. It was successful. Why was it successful? Why do I say it was successful? Because we prepared from ward level, then regional level, provincial level, and when we said we contributed because we have influenced the participation part from the beginning to the day of putting up in terms of the topic that we discussed, we presented and it happened; but what happened to them I won't tell, but in terms of the process of that sector parliament it was successful".

“When you do sector parliaments, from the beginning you take people who know, most of the time who know nothing about GPL, who know nothing about those sectors. Then from the ward level that is when the GPL PPP (public-private partnership) people come and brief people on what GPL is, educate, give you information; then as per the participation of the people we nominate a certain number that go and represent your ward to the regional level, and from the region we nominate to the provincial level, then we consolidate all inputs from different regions as per the topics that we are discussing, and we present on the day of the sitting of that sector parliament”.

Respondent 5

“It was successful because we attended. There were workshops whereby we were trained to participate effectively. The community was invited to be part of the process. The reason I say it was successful is because about 500 hundred people were invited but the actual number of people who attended was more than 500. It was successful because issues were debated and were noted and there was a time when we were called to get feedback”.

Respondent 3

Yes, it was. I am saying that because the resolutions were adopted by the house and handed to the speaker of Gauteng Provincial Parliament”.

Respondent 9

4.7 RESPONSES ON THE CAPACITATION OF PUBLIC PARTICIPATION PROGRAMME PARTICIPANTS

From the preceding section, it may be said that the dominant aspect raised by respondents include the capacitation/training processes that took place prior to the actual event. Bearing this in mind, the respondents were given the platform to indicate the significance of training and to relate capacitation processes.

“Education, education, education. I feel that we need to be workshopped as much as possible and not just prepared for on the day because it is important that everybody that will be attending, whether you are a participant or an observer, to understand what will be discussed, why we are discussing these things, most importantly, and how you can contribute to it, both as an observer and as a participant. Also, following up on what we have discussed at the sector parliaments, ensuring that we follow up,

ensuring that it also does not end there. It must be beyond than preparing for the actual sitting and this constant action taken after that". Respondent 6

"The preparation is ... or for them to participate in the sector parliament? The preparation is just to know the rules of the House, to know the rightful words that they should use, how to conduct themselves at the parliament and the way in which they should debate or raise issues". Respondent 4

"Preparatory commissions preceding the actual event are a prerequisite for the success of each sectoral parliament. The significant value that is derived from these preliminary commissions is that they familiarise participants on the thematic areas for discussion, encourage participation in the various commissions on each thematic area and provide structure and content for the discussion points during each sectoral parliament". Respondent 9

"Preparing participants for public participation is very important. We usually have workshops as our first point of departure where we mobilise and educate targeted groups and then we'll have regional workshops, preparatory sessions and dry-runs. In this regard, we teach participants about the decorum and rules of the legislature culminating into sector parliaments. In overall, other processes such as committee meetings, there should be public education to enable the public to make relevant contribution which has not been happening in a wide-scale. Therefore, preparation processes have been taking place in terms of sector parliaments but the same cannot be said with committee meetings. Thus, the re-engineering of public participation to address such inadequacies". Respondent 10

Having highlighted the importance of preparing for public participation, some respondents went a step further by relating some of the processes involved in the preparation stages. The respondents had the following to say:

"Okay. during preparation, what we know is that we come together as the five regions of the province, and we have got different views from different people from different communities, but we merge all of that together and taking some from others like ... I will use Ekurhuleni as an example; strategies that were implemented at Ekurhuleni

that worked, where we got to actually learn about those where we could actually adopt some of them and implement them here". Respondent 6

"Also, towards the preparation phase was that you don't just get to be given a topic and say this is what we will be discussing. You get to learn in the process to say that research behind it and research thoroughly in terms of how it come to ... how the legislature comes to decide on these topics, how much this topic is going to affect us in the long run. So, it is not just about preparing for it now and how further this will affect or impact us as community members, as young people specifically". Respondent 6

"Like I explained, the preparation is that we start at ward level. We have a workshop of maybe 50 people. Let me say it's different wards. I will talk to my ward. It's 50 people. From the 50 maybe we will nominate 10 women to go and represent your ward at the regional level. From the ward level, as per the topic, we give our issues as Magaliesburg to say as women, maybe we talk of health, our health issues are one, two, three. In terms of economic development, it's one, two, three. When we go to the regional level, we get all the wards from West Rand. Everybody brings their issues then we consolidate. Others are similar, others are not. Then when we go to the provincial level we take from different regions, we consolidate". Respondent 5

"As we go to the sitting of the sector parliament then we present that, we debate in terms of what the region has consolidated or what the province has consolidate because when we go to the provincial level, we consolidate from all these regions. It becomes a provincial agreement, challenges and debate; and from there, those who are elected to go and present at the national level". Respondent 5

"We go to the workshop as a region. The GPL coordinator will explain the purpose of the day, will give the topics, which topics will be discussed, divide ourselves into different groups according to the topic, go into the ... the group is going to the commission. In the commission we discuss the topics that we are given; and then for you to participate at the provincial or at the sector parliament, you should participate race issues and then people will vote for you or will nominate you to represent the region at the sector parliament". Respondent 4

Having shared their opinions on whether the public participation programmes they participated in were successful and relating their experiences of the preparation process, the respondents were given the opportunity to indicate if their participation resulted in any substantial policy outcomes. The responses were as follows:

“We have always had this issue of saying year in and year out we do sector parliaments, we make our presentations but there’s never been a year where we are called maybe from a department that ... Let me make an example of the person who is heading the Department of Women and Children, to come back to us to say yes, we have heard your issues and it was presented to us. From what we have received, this is what can be changed, or this is what can influence the policy of the department or what. We just do this year in and year out but there has never been a feedback”.

Respondent 5

“Yes, fully. I will use an example. I assisted children’s sector parliament during the previous year and this year as well. Out of that the children went, they learned, they got o experience what happens in parliament and from there actually a group of young girls that participated started a debating team at school, and they have progressed so much that they have gone to actually participate on the provincial level debating with other schools. You see? That is one of the many examples that are there”.

6

“Our resolutions were to be taken seriously, but the reason remember we went to the... they have changed the MEC or the chairperson who was dealing with gender and youth, but what I know, people who were on the ... I am not sure whether it is 2010 or 2011, some, with the assistance of the legislature, are working. They have studied further and then some are business people. On the resolution we submitted because one was, if I am not mistaken, it was the one of the roles of the unemployed youth”.

Respondent 4

Respondents were then asked to comment on the feedback strand of the GPL’s public participation. They were requested to indicate whether they have received any form of feedback and, if so, whether feedback mechanisms are up to scratch. Sentiments shared in this regard highlight the need to improve the institution’s feedback processes

to reach its intended objective. Some of the concerns raised are delayed responses, a limited number of invited participants and hosting the event at a different venue than the initial public participation programme. The following are some of the respondents' views:

"We just do this year in and year out but there has never been a feedback. I am not sure if there was. Maybe there was, that I was not part of". Respondent 5

"Not yet. I think our issues are still in discussions with the different departments"
Respondent 9

"That is kind of ... [Laughing] ... and I will be very honest. Feedback comes, yes, but I think feedback comes a little too late because it comes just before the next sector parliament, and even though you get it, you just get to go and listen and these were the resolutions, this is the feedback provided, but you don't get enough time to say okay fine, these were the resolutions that we came up with, and I will use the Senior Citizens Parliament for that, that there is a lot that they are raising, challenges that they are raising, and some of the things you can tell yes, it is a granny and this is what she wants to be done, but some of that has got substance, some of these things I feel should be implemented. Issues such as health, access to healthcare". Respondent 6

"You get to a public health institution, as a senior citizen you are not treated fairly, we feel; and these are things I feel should be addressed, whether they are addressed only in the boardroom, these things should come to implementation first. And how do you get feedback? You get feedback as a group to say ... not as a group but as the province as a whole to say these are the resolutions and this is where as far as the implementation has taken place, and I think they should actually bring it down a little to say that resolutions from the West Rand were these, and this is the implementation of these resolutions, or this is the feedback that we provided on the resolutions of the West Rand, and not at a broader scale which is what they are doing because then you get to touch on bits and pieces only to say okay, one in Ekurhuleni was touched on, one in City of Johannesburg was touched, one in Tshwane, and such and such". Respondent 6

“So, I feel that yes, there are feedback sessions that are held, but then, number one, they are held very late, and number two, to just bring it down and not have it at such a broad scale. Bring it down to the regional level”. Respondent 6

“Not really. The one that I know was that one because before the next sector parliament we had the meeting with the chairperson and then they gave us the feedback, by then. if there is a feedback session, they call the people who were participating as the Speaker, the Table Assistant and the chairpersons of the commissions. my suggestion, if you could say, it will say each and every sector parliament, starting from the Youth Parliament, Children’s Parliament, Women’s Parliament, at least just after the sector parliament, maybe three weeks or a month after that they should call everyone who was participating, including the observers, to give the feedback and hear more”. Respondent 4

“In terms of feedback in GPL’s processes, this is one aspect wherein the institution is limping. Part of the re-engineering programme is to address the inefficiencies surrounding the feedback strand of the institution’s public participation. In as much as people participate in the institution’s public participation initiatives, the critical area of feedback is not effectively operational. I can mention the area of sector parliaments, these have resulted in a number of changes in terms of policy and legislation but there are other areas in terms of resolution taking where they have not been receiving attention from the executive”. Respondent 10

4.8 INCLUSIVITY OF THE LEGISLATURE’S PUBLIC PARTICIPATION PROGRAMME

As discussed in Chapter Two of the dissertation, one of the imperatives of public participation is that of inclusivity. In this regard, respondents were given the opportunity to comment on the inclusivity of the GPL’s public participation programmes. Respondents 1 to 10 gave the following responses:

“You know, to be honest, we are trying. That is why I say I think at our public participation level there is a lack because it’s one of the things I think as committees we are doing or we are trying to do that all citizens should partake in this public participation things because some in communities feel – with the new dispensation –

they are side-lined; and I think it's something that as committees we are taking up; I think all committees – that we ensure that we get other communities but also from our committee we have decided to take a conscious decision to go to places like Reiger Park, to go to Eersterust, Eldorado Park. We are trying to do that". Respondent 2

"In every public participation process, we strive to be inclusive as much as possible: ensuring equal representation of people from different racial groups. It is very difficult, as you would have seen for instance in the celebration of national days in our country, there is minimal participation of Coloured, Indian and White people. It is the same with the GPL's public participation programmes. We try to involve them through mobilization. They do come but it is subject to the events held. It is a struggle for the GPL to understand the factors leading to minimal participation of the three racial groups. This even extends to committee work where they are reluctant to participate in the GPL's public participation programmes". Respondent 10

"Not trying to sound or any other way but just speaking the truth. When I started, touching on race, for instance, there was only one coloured person out of a hundred participants, and there was only one white person; but moving forward from there, every other year I participated it actually grew to say that okay, fine, we have started the process of being all inclusive when it comes to gender, when it comes to disabled people. There was also only one disabled person that participated in the Youth Parliament during that year, and as the years went by, there was more and more races being included, more disabled people. There was a gender balance. So, I would say yes, it didn't start off well, but it has shown growth". Respondent 6

"I think, firstly, that our aspiration is to have, in all our processes, processes that are inclusive in terms of national groups, Coloured, Indian, African, White as national groups. Secondly, also to ensure that the participants are gender sensitive, so you have a fair balance between men and women. Thirdly, that you take into consideration the fact that population of South Africa, and Gauteng in the main, is becoming young, so you need to ensure that you target young people.

"Lastly, to ensure that all the spectrum of diversity even in terms of ability or disability or incorporating people with disability. All the spectrum basically, sexual orientation

and so on. So, if you were to ask a question as you have, has GPL succeeded? I would say, to a great extent, no. The bulk of our participants have in the main been black, not just black as in broad, inclusive of Coloured, Indian and Africans. It has been mainly African, predominantly townships, most predominantly also informal settlements". Respondent 7

"You know what the problem is? It is difficult to include ... Let me talk about myself. When we do a ward workshop, I am the one who is mobilising these women. I am only going to get the unemployed because we do it during the week. Those who are employed are at work. It is difficult for us to get your professional women, your nurses, your teachers, your whatever – the minority ones. It is very difficult. They have been encouraging us to say please, include white women if they are there in your area, include so and so if they are there; but it's very difficult. Majority of the women who are attending these sector parliaments across, not only the Women Sector Parliament, are people who are unemployed, and mostly are people who are politically affiliated". Respondent 5

"I don't think that it did, although we had endeavoured to advertise through all forms of media, you know, print and also like on radio, and so on. It was predominantly black. In fact, it was overall black, not even predominantly. There were few aspects of coloured people, very few, probably count 10". Respondent 1

"Yes. The Legislature accommodates anybody. It does not matter how community is made up because even when we go to the workshops, we are told that there should be a mixture of Black, White, Coloured and Indian people". Respondent 3

"They are trying, especially on the faith-based I saw the mix, Women's Parliament I see the mix. The one of Youth Parliament I haven't seen a lot of mixed races. I think it is because us maybe who are coordinating ... I will coordinate and then in where I am coordinating there won't be the coloured, maybe I don't have the coloured, I don't have the white people; and others, when you mobilise, other people when you mobilise or try to say there is this thing that is happening, they just think it is political things". Respondent 4

"I think other people ... because even us as the ... if I can say the black people, other they don't participate, they think it is ANC thing, so I am not interested. I am talking especially on the one of the Youth Parliament because people will go there but when you get there it is most people who are politically inclined. Those that are not don't want to raise their views. They will just hide themselves and then not participating. I don't know the reason why they are doing that because at the legislature they haven't called anyone with any cap. That's why we are not ... if you get there, we don't ask which party you belong to". Respondent 4

"Let me be honest. In most of the public participation that we have, in the same way as you would have the days, the memorial days that we have normally, people going to Parliament, to the Union Buildings and celebrating those important days and whatever, you are able to dwell in more on the black people, but very rare do you find some of the white participants. We have had some of the white participants, particularly in the Women's Sector Parliament, in the Youth Parliament; but in some other sectors it become very difficult. We also do draw in some of the white participants in the faith based organisations, you know, people coming from the white churches and so forth, but I wouldn't say that we are happy and satisfied that we draw in equally. A number of white participants is very, very few". Respondent 8

"We are able to draw in the Coloured participants. We are in a position to draw some of the Indian participants but proportionally of course to Blacks they are also very few; but it's better than the Whites you would be able to draw in into some public participation". Respondent 8

4.9 SUCCESSES AND CHALLENGES RECORDED

After considering the responses of programme participants, the implementers/officials of the Gauteng Legislature were asked to share the successes and challenges of promoting public participation. The implementers had the following to say.

4.9.1 Successes

"I suppose, with the successes I think it would have to be having to engage in the first Bua le Sechaba, having to engage the relevant stakeholders and also the way that the

research work was conducted, having to have the one-on-ones with those who were affected, although it was like samples". Respondent 1

"I think there has been quite a lot of successes. GPL was amongst the first in the country to take the issues of public participation quite seriously, partly because of the nature of the institution and the political leadership which was in the legislature which arose from the very participative processes being involved in the struggle, and so on. The public participation conference held in Birchwood forms part of the successes. It was actually the initiative of the GPL which was about setting the tone for the country as well. Another element of success relates to the influence the Legislature had on the establishment of a public participation unit in the Ekiti State Legislature in Nigeria". Respondent 7

"In addition, there are lots of engagement workshops which are held with communities on the work of the legislature on the issues of budget processes to prepare people for inputs, and so on. The establishment of sectoral parliaments also forms part of the success by the GPL. I mean as we speak now, we have close to about nine sector parliaments, having started with just about two or three of them. Our petitions system is too characteristic of a success story. The legislature again was the first to pass a Petitions Act, which has now been complemented by the regulations which were adopted recently by the legislature. We have Chapter Nine Institutions that also participate, like the Office of the Auditor-General, the Human Rights Commission, Gender Commission, and even Chapter Ten Institutions, such as the PSC which participate, provide input on onto the work of committees. So, there has been a lot of things such as Public Participation Strategy that was also developed and is being implemented". Respondent 7

"We have seen an improvement in the people understanding how legislature works. That is the first and foremost. How we have noted this – for instance, in the youth parliament, is that, from the youth parliament we had in Gauteng they had elected 10 people that participated in the National Youth Parliament, and the manner in which our participants from Gauteng performed, one would say they had a substantial understanding of the process. This is because they have been in the process, they understand the process, they understand the rules. In relation to other provinces you

realise to say that they are well informed, and they understand the rules; they would quote the rules. Even the children – because we do have Children’s Parliament – they also understand some of the issues. We also have Women’s Parliament. Now they too, you know, a number of women who participated in there now understand what this is all about. Their exposure is not through people only coming to these sector parliaments. By the way, also go to the constituencies on matters related to the issues that are going to be debated”. Respondent 8

4.9.2 Challenges

“I think the challenges, they mainly relate to ... it is political challenges in a sense that different views of where Bua le Sechaba should be conducted, especially when it comes to the feedback campaign. The purpose of feedback, you know, I think, I am not sure if it’s lack of understanding from our political principals or what because the purpose of feedback is to go into the very same community where you had the initial engagement to give them feedback. So, there were challenges wherein political principals wanted to go elsewhere. You can’t address people from Carletonville about issues raised by people from Thokoza. On feedback, what I realised personally, I am not sure if the committee shares the same view, but just from my personal observance, was that the stakeholders that we had in the initial one, many of them were not present, and those that were present were not satisfied with the progress made by the department, in particular the implementing agent which is the GEP. So, they felt that the process was just pointless”. Respondent 1

“In many instances we have participants who probably would have gone through our public education processes but who at times do not really add value to the process. What do I mean by saying “don’t add value to the process?” I am talking about raising relevant issues pertinent to that committee. When you go into a community, obviously that has housing problems and so on, it does not matter how much you speak about any other thing. If you don’t talk about housing, to them you may not be relevant”. Respondent 7

“So, part of what we need to do is to disaggregate our stakeholders, our participants and ensure that on the one hand you have a focused process that targets people who

are more knowledgeable on the subject matter; but, secondly, because you also want to be educative, which means the purpose for that opportunity may only be to learn. So, there is a possibility of even having the spectrums overlapping within one meeting, depending on which stakeholder or which target you are aiming at. So, I am saying part of the weaknesses is really about that issue of disaggregated stakeholders. The second one is the issue of feedback. Our feedback is not very systematic. Sometimes it's a bit ad hoc, so there is no like a proper system that has been built into our processes of ensuring ongoing feedback. I think, lastly, although it could be subjective. It is really about the knowledge, attitude and capability of our staff and the confidence of our Members who I believe must in the main be the ones who are driving public participation. At the moment public participation is driven mainly by administration, and I think it is a weakness in that sense". Respondent 7

"The problem that we have experienced is that because people have a variety of issues they would want to raise. They would want to raise housing issues on the Health Committee and some others would want to raise health issues on the Housing Committee, and vice versa and so forth; but because people tend not to know what the issues are per se, we advise our committees not to throw those things away. They should write them down even if they are not part of their domain so that they would be able to pass them over to the relevant committee. You could just imagine, for instance, if there is a committee on agriculture meeting in Soweto. There is no agriculture taking place in Soweto. Definitely the issues they would raise in there they would transcend into the various other committees, and so forth. So, these are some of the weaknesses that we have. We are still perfecting the system. The system is not 100%, but ourselves as the legislature we are bound and or I think would say we are committed to public participation". Respondent 8

After discussing perceived successes and challenges, the implementers were given the opportunity to indicate the importance of sector parliaments and to indicate the manner in which the public's contributions and/or participation has impacted law-making and service delivery, respectively. Respondent 10, in particular, shared the following sentiments:

“Sector parliaments are very important tools to promote public participation because they enable the GPL to cast its net wide in terms of reaching different sectors of society, be it the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) group, women, youth people with disabilities, senior citizens and the interfaith sector. Therefore, it has been a good tool even in the perception survey of the Legislature, sector parliaments are regarded as one of the important tools to promote public participation: to ensure interaction between the public and the MPLs. Its only challenge as I have mentioned is the feedback strand. Furthermore, the forming of the National Youth Development Agency (NYDA) and the National Women and Youth Ministry is a result of some of the resolutions taken in sector parliaments. Therefore, it has had an impact in influencing policy, but a lot remains to be done in terms of feedback”. Respondent 10

4.10 AREAS OF IMPROVEMENT

“We need to get feedback. Feedback sessions are extremely important, even if we can, just before, at the provincial level or at the regional level, we get to say this is what was discussed last year, these were the points that were presented, and this is what the upper structures or the politicians at the national level have agreed upon, or the influence that is going to be happening; because sometimes we also talk of policies to say this one is not working for us or this one is working for us. Most women will complain about this issue of, for example, issue of learnership opportunities to say you will get a learnership that says we need people between the ages of 18 and 35. What happens to me when I am between 35 and 50, I am unemployed, I have a skill which is not certificated, that opportunity of learnership was going to accredit me; what happens to me as a woman? Or the economic opportunities. Such things that people raise, and we never get any feedback of what has been said in terms of that”.

Respondent 5

“I think they should do their preparation, if possible, during the week. I know there are people who are working, but sometimes weekend is not doable, and it depends like which season of the year again”. Respondent 4

“Youth Parliament: because we are so robust, because we want concrete proof of what we have spoken about to say that this is how it has worked, to show us that, make us aware of where we have improved and how we have improved society, how

we have improved resolutions that we came up with, how we have improved on anything that we have done, how we have contributed basically; make us see that because once we see that, because once we see that, as I've said, especially with their ward; once you see, okay fine, this is the impact that I've made, you get to actually give more". Respondent 6

4.11 Lessons Learnt

"I think the key thing is getting, firstly it is educating the stakeholders on the legislature itself, the role of the legislature, their role as well in participating on the events which are held by the legislature, and getting the relevant and key stakeholders to make inputs and try to, what we were speaking about before, the feedback towards those stakeholders. Those are the key lessons which were learnt and those should be shared with the Public Participation Unit, and as you may know, there was that project of re-engineering public participation which is very key. So, I think those should be factored into that, and so on". Respondent 2

"Well, I think I have spoken quite a lot about that, about ensuring that you first identify the objective of your own process first, whether it is just information sharing or whether it is a consultative process, what is it that you are seeking to achieve. Secondly, the identification of the different stakeholders, the integrity of the process, the transparency of the process so that it is known that you are going to select the people, and this is the criteria that you are looking at. You are not looking at co-opting people into your own process. You are seeking real partnership with the people to make democracy work better. Also, the issue of ensuring that our processes reflect the non-racial, non-sexist society we are seeking to build. So, that is some of the key areas. Also, the issue about ensuring that committees are involved right from the beginning, that they are part of the... through the research and the stakeholders, they are part of the identification of the topics". Respondent 7

"Also, the issue of ensuring that within the legislature public participation becomes the work of everybody, it is not just the work of the Public Participation Unit. It is the work of everybody. Also, the involvement of Members and lastly issue of feedback, feedback, feedback. It could be feedback on the things that need to be improved. It

could be feedback on saying but if you come during the day you are excluding the majority of the people who are working, and you are making public participation as if it is meant for those who are unemployed'. Respondent 7

4.12 REVIEW OF THE LEGISLATURE'S PUBLIC PARTICIPATION PROCESS

As the aim of Chapter Four is to analyse the collected data in order to provide findings of the study, it is imperative to revisit key aspects highlighted in Chapters Two and Three. Here, the concept of 'public participation', its constituting elements and success factors play a key role. This also entails looking at the said role of the GPL in general and its role in promoting public participation in particular.

The significance of this exercise facilitated the review of the GPL's implementation of public participation, as per its constitutional mandate. This was done by comparing the reviewed literature and primary data, as outlined in the introductory section of this chapter. The GPL's actual implementation of public participation was measured against the theoretical understanding of effective and efficient public participation as captured in the reviewed literature. The following sections provide a discussion of these findings.

4.12.1 Measuring understanding of public participation

As indicated in Chapter Two, public participation entails the integration of civic concern and/or inputs into public policy decision-making processes. This enables relevant stakeholders to communicate and plan governance imperatives of the affected community. When carried-out accordingly, it leads to an informed citizenry and strengthens the relationship between the governor and the governed (Creighton 2005:7). It involves the sharing of important information, which leads to the implementation of policy decisions that may address the identified societal problem (Masango 2002:53). This is in line with the object of the theory of deliberative democracy to improve on the challenges of democracy. This entails circumventing elements such as public apathy, ill-informed citizens and exclusion. Thus, it maintains core pillars of democratic politics being mutually inclusive processes that are characterised by concerted decision-making practices (Chappell 2012: 2&4).

The understanding of the concept of public participation supplemented by the object of the deliberative democratic theory, as highlighted above and in Chapter Two of the dissertation. Is in line with the understanding of the concept of 'public participation' provided by the participants/respondents of this study. The responses pointed to public participation as a public platform to take part in the policy-making process. Participants perceive public participation as a process where people are consulted and where information is shared with citizens, thus leading to a sense of ownership.

The underlying tone between the two sets of understandings is that it is a consultative venture between the government and the public, where the former opens the floor to the latter to be part of the policy decision-making process and where both parties share important information with each other. This facilitates a sense of ownership on the part of the public and builds a solid relationship between the two parties. Respondents cited that public participation is an avenue for government to engage with the public to assist in obtaining and/or providing information on a topic. This may assist in law-making and oversight work to influence the Legislature's decision-making.

4.12.2 Measuring the different facets of the Legislature's public participation

The reviewed literature presented the concept of 'public participation' from different viewpoints. This includes public participation as a policy, strategy and a communication tool (Wengert 1976:25 and 26). In this regard, respondents were of the opinion that it is a constitutional imperative that all legislatures promote public participation. Within this domain, public participation is viewed as a policy.

Respondent 7 alluded that accountability infers that one needs to consult with the public to find out what needs to be done on their behalf. Thus, it is important that a legislature involves the public to ensure policy and any other relevant decision-making processes are aligned to the needs of the public. In this respect, the characteristics of public participation as a strategy and a communicating tool become apparent. It is strategic in the sense that government enacts legitimate laws and/or policies informed by the views of the public, thus allowing apt communication between the two.

4.12.3 Comparison of theoretical and actual success factors

The studied literature revealed attributes that dictate the success of a public participation programme. Here, public participation is viewed as a mandate from the governed and is therefore imperative in policy-making practices (Creighton 2005:21). This attribute is affirmed by respondents' assertion that prior to being a member of a legislature and the executive, one is elected by the members of the public. As such, all members of a legislature are accountable to the public. Therefore, citizens should be consulted on what should be done on their behalf.

In line with the reviewed literature, this implies that a legislature gets its direction from public input on necessary legislative ventures to be undertaken. This also includes the understanding of applicable statutory provisions that provide clear guidance on facilitating citizen participation. The legislature's understanding of the aforementioned is reflected in the actual implementation of the public participation programmes. Within this context, respondent 7 acknowledged public participation as a constitutional requirement, as per section 118 of the Constitution (Constitution of South Africa 1996).

Other equally important aspects include having a well-informed group of stakeholders and providing feedback to all participants on their contributions to the success of the programme (DWAF 2001:34). Respondents underscored the importance of including stakeholders who would add value to such discussions. However, the GPL seems to be struggling in this regard. Certain respondents alluded to the fact that some stakeholders provide inputs that do not directly or necessarily address topics under discussion at a given point. For instance, stakeholders would give inputs on housing-oriented matters when the point of discussion is education.

The same sentiment rings true with regard to feedback. To ensure the success of public participation, respondents deem it necessary for participants to be informed about the results of their input. However, the actual provision of feedback in the GPL's public participation processes seems problematic. From the respondents' view, it is noticeable that more work needs to be done to ensure effective and efficient feedback mechanisms. One challenge relates to the timeliness of feedback and that only a few

individuals are invited to attend sessions. Some respondents have no recollection of being part of any feedback session. Another challenge in this regard is that feedback sessions are not held at the same venue as the initial public participation initiative. This raises the likelihood of giving feedback to people who were not part of the initial discussions, which may arguably render the feedback session redundant.

4.12.4 Measuring the Legislature's public participation against guiding principles

The reviewed literature highlighted guiding principles relating to effective and efficient public participation. These are:

- Members of the public form an integral part of the decision-making process. Therefore, it is their right to be consulted;
- The contributions made by the civil society are the driving force behind the decision-making process;
- Public participation entails making long-term choices, emphasising the importance of paying particular attention to the “needs and concerns” of all stakeholders involved;
- The just distribution of relevant information to facilitate meaningful participation; and
- Providing feedback to society about the impact its contribution has on the outcomes (International Association for Public Participation (IAPP) 2007:1).

Respondents indicated that GPL's public participation machinery is, in one way or the other, aligned to the above principles (bearing in mind the lacking feedback mechanism of the institution). In the responses received, there is an unambiguous understanding that citizenry should be included in decision-making processes as a pivotal ingredient to the success of public participation. Thus, allowing inputs from the public to lead or guide decision-making process.

4.12.5 Scrutinising the Legislature's public participation

The reviewed literature provided two sets of assessment mechanisms to measure the effectiveness of public participation. The first mechanism is a three-pronged approach comprising of process, developmental and input indicators. The first element determines the scope and value of the public participation programme on a continuous basis. The second element determines the added capacity-value of the programme on its participants on both an individual and collective level. The third element establishes the extent to which public participation and/or involvement has influenced the result of the policy-making process (Morrissey in Marias 2007:23).

In terms of the first element, it may be said that the GPL has maintained a fair performance level. This is so when considering the various annual public participation programmes that provide a platform to various sectors of society. Notably, these platforms help ensure that they contribute to decision-making processes that seek to tackle varying socio-economic and political aspects. The GPL's wide public participation scope enables it to source valuable inputs from a range of participants. This provides what may be referred to as public representative substance to public participation in the province.

With regard to the second element or criterion, it may also be argued that the GPL's performance level is fair. This is reflected in the respondents' confirmation that they have learnt something from participating in the GPL programmes. One of the examples in this regard relates to having learnt about applicable parliamentary procedures. Furthermore, another example points towards having learnt about relevant procedures for submitting a petition. Participants of the GPL's public participation programmes also highlighted that they gained insight into the functions of a legislature and the purpose and importance of public participation.

In terms of the third criterion, the GPL's performance is slightly problematic considering the respondents' views on the feedback mechanisms of the institution. Another problematic area is respondents' varying views on the extent to which public participation influences the policy-making processes. At least two respondents provided evidence of where participation had a discernible influence and/or impact on policy-making processes. For instance, in one of the GPL's Youth Sector Parliaments,

a resolution was made advocating for high school learners to exit the school system having receiving their driver's license. The result, according to the respondent, was seen when the topic formed part of deliberations of the Gauteng DoE and subsequently the Education MEC had public discussions relating to the resolution.

Another example sighted relates to youth employment. According to the respondent, the Youth Sector Parliament sought government intervention in creating employment opportunities for the youth. In this instance, the respondent asserted that a number of the Youth Sector Parliament participants are now employed and some have started their own business ventures. In this regard, the participant attributes these developments to the resolutions adopted in that particular Youth Sector Parliament. Another respondent who forms part of the GPL's public participation implementation strategy attributed the formation of the NYDA and the national ministry for women and children to some of the resolutions made in sector parliaments.

A sentiment shared by one respondent differs from the ones discussed above. In this instance, the respondent asserts that committees of the GPL are not necessarily involved in sector parliaments' work, as only few members of committees attend sector parliament meetings. According to the respondent, the work of the sector parliaments is not incorporated into committees' activities. Thus, when committee business such as the writing of committee reports and oversight is conducted, no reference is made to the resolutions adopted by the sector parliaments. This then makes it difficult to measure the extent to which public input influences the end-result of policy-making processes.

The second assessment mechanism presented by the literature review(see Chapter Two) is referred to as the theory of deliberative democracy, which focuses on important indicators, namely inclusiveness and equality. The former indicator seeks to determine whether a public participation programme encourages all eligible factions of society to actively take part in initiatives, while the latter indicator measures whether all participants are given equal space to participate equally in the public participation programme (Chappell 2012:7).

In terms of the inclusivity indicator, the GPL's performance is fair. The institution has various public participation instruments to ensure the participation of various sectors in society (e.g. the youth, women and aspiring entrepreneurs). However, from a demographical perspective, it may be argued that the GPL's public participation machinery is ailing in this regard. The sentiments were shared by the respondents when asked to comment on this aspect. The responses suggest a situation opposite to the envisaged reality. As such, the GPL's public participation programmes are predominantly characterised by the participation of Black Africans.

It is also apparent that the institution's programmes are predominately attended by unemployed black Africans who live in informal settlements and are politically affiliated. According to the respondents, this is due to the scheduling of the programmes, misperceptions that programmes are political in nature and geo-demographical aspects related to the mobilisation of participants. This means that the Legislature's public participation initiatives take place during the week when employed citizens are at work. This also implies a certain portion of society perceives the institution's public participation programmes as not encompassing all political inclinations in the province.

In terms of geo-demographical aspects, the argument in this regard is that the mobilisation processes take place in a geographical space where most or all residents are black. Thus, the participation of other racial groupings will not be as substantially envisaged.

In terms of the above assessment, it may be argued that the institution's public participation in terms of the equality indicator is moderate. In terms of the technical and/or logistical arrangement of the institution's public participation programmes, all eligible sectors of society are encouraged to partake in programmes. The only set of restrictions relates to the type and/or nature of the programme, such as Women, Youth and Senior Citizens' Sector Parliaments. In looking at equality in terms of the actual qualitative participation, the institution's public participation may be deemed lacking. Once again, these programmes are dominated by a certain section of society. This makes it difficult to ensure equal participation between the rich and the poor and across the racial spectrum. Subsequently, it is challenging to ensure the equal airing,

consideration and integration of inputs into policy-making processes from varying socio-economic and political classes of society.

The literature review (see Chapter Two) discussed challenges associated with public participation. These included socio-economic inhibitors, which pose restrictions to particular sectors of society to participate in public participation initiatives. In the reviewed literature, it is understood that it is mostly the underprivileged population whose participation lacks. This is attributed to time constraints, lack of access to the media and education (Selebalo 2011 Internet source). However, GPL's situation differs vastly, as public participation programmes are predominantly attended by the underprivileged (i.e. unemployed people who mostly live in informal settlements). As such, challenges and success factors relating to public participation depend on the context within which public participation takes place.

4.13 CONCLUSION

Chapter Four set out to provide an analysis of the collected data. In fulfilling this objective, it looked at the information gathered from interviews to understand and gauge the respondents' knowledge of the concept of 'public participation' and the role of the GPL in relation to public participation. Furthermore, the chapter investigated the public participation machinery of the GPL, by comparing respondents' responses on the GPL's public participation programmes to the reviewed literature on the subject under study. It became apparent that the GPL has maintained fair performance levels with regard to some aspects, while ailing in others.

The GPL performed fairly in the scope and the value of the institution's public participation programme. In this regard, it became apparent that the GPL hosts varying public participation programmes for various sectors of society. In doing so, the Legislature is able to consider many and differing inputs in policy decision-making practices. These also included the added capacity-value of the institution's public participation programmes on its participants.

The institution performed well in two areas. Firstly, through public participation initiatives, participants gain an understanding of parliamentary procedures and applicable petition processes. Secondly, it enables the public to become part of the

province's governance processes by giving them an opportunity to understand the overall functions of the provincial legislature.

The institution lags behind in its feedback processes, which participants of this study state are not up to scratch. Some participants went so far as to state that they had no knowledge of feedback sessions taking place. Another aspect included the non-involvement of the institution's committees in public participation programmes, such as sector parliaments. Due to this state of affairs, it was difficult to measure the extent to which the public influenced the end-result of policy-making processes. This is despite the fact that some participants indicated seeing their influence in the end-result. Furthermore, the institution's public participation machinery was also said not to be representative of the province's demographic profile. As such, its work is not entirely inclusive and/or representative of the province's demographical make-up.



CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

Collaborative work and mutual understanding leads to universally acceptable decisions, processes and practices acceptable to all. This forms the basis of public participation within deliberative and/or participative democracy. Within the governance context, as President Abraham Lincoln stated “the government of the people for the people, by the people” (Haney 1944: 366) can only occur with mutuality and collaboration. Thus, the primary objective of this dissertation is to investigate the role of the GPL in promoting public participation to ensure the involvement of the Gauteng citizenry in key legislative processes.

The purpose of this chapter is to summarise the findings of the entire dissertation by considering key findings of each chapter and creating linkages between all five chapters. Subsequently, Chapter Five will also draw conclusions from the findings in order to make recommendations to assist the GPL and other similar institutions to establish and maintain an effective and efficient public participation machinery. The subsequent section will provide a summary of the study.

5.2 SUMMARY OF THE STUDY

5.2.1 Chapter One: Background

In order to provide the context of the research problem, Chapter One provides a general introduction to the study. In doing so, the chapter reveals important foundational elements of the study such as the background, rationale and the research problem. In giving the background, the chapter gives a description of elements that characterise a democratic setting which supports public involvement in public governance processes. The elements mentioned entail a representative parliament and inclusive public participation mechanisms. In order to create a context for the study. The chapter provides a retrospective account of South Africa’s governance and politics pre-1994. This is with specific reference to the level of involvement the public

had in public policy trajectory, while looking at elements of unequal development that still persist. This continues despite the sentiments enshrined in South Africa's Constitution and the Freedom Charter - the cornerstones of South Africa's democracy. The rationale of the study assesses the involvement of the Gauteng citizenry in the legislative processes of the province.

From the foregoing, the chapter provides the research problem of the study, which seeks to understand **the role of the GPL in promoting public participation to ensure the involvement of the Gauteng citizenry in key legislative processes**. Research questions and research objectives stated in the Chapter One are used to facilitate the research problem and attempt to lay a foundation in facilitating the understanding of the concept of public participation, elements of successful public participation as well as the benefits and the challenges thereof. The research questions and objectives also give an understanding of the GPL, its public participation processes as well as the policy and legal framework that encourage the implementation of public participation in South Africa.

In addition, the chapter captures the methodological approach used in the study, motivation of the study, limitations and/or challenges encountered as well as the ethical considerations. The methodological approach that is used is qualitative, which facilitates an insider's perspective of a particular environment as well as its norms and values "through immersing oneself in culture and direct interaction with the people under study" (Webb and Auriacombe 2006: 592). Furthermore, the chapter has a definition of terms section wherein terms and/or concepts used in the paper are defined. The chapter also gives an outline of all chapters of the dissertation with brief descriptions of the contents of each chapter.

5.2.2 Chapter Two: Public participation literature review

In facilitating a thorough understanding of the concept of public participation, Chapter Two reviews the existing literature on public participation. In doing so, it considers various interpretations and explanations of the different purposes and/or reasons for public participation from different experts. From the various purposes considered, it is evident that public participation is a crucial element for mutual information sharing

between the public and government. In addition, the reviewed literature reveals the different perspectives of public participation including policy, strategy, communication, conflict resolution and therapy.

Chapter Two also considers the principles guiding public participation, which translate to effective and efficient public participation when adhered to, giving an indication of who the integral role-players in the exercise are, aspects to consider, the nature of choices necessary when engaging in public participation as well as the required reporting mechanism. In support of the guiding principles, the chapter focuses on the three relevant phases and/or stages of preparing for public participation, namely decision analysis, process planning and implementation planning. The chapter also considers the standards guiding public participation - preparation, implementation and assessment standards.

In order to investigate the public participation concept, Chapter Two looks at the elements that drive successful management of public participation. In short, the identified elements entail equality, inclusivity, sufficient information and the availability of resources, feedback, an understanding of applicable statutory provisions and perception of the exercise as a source of mandate from the public. To substantiate the elements identified above, Chapter two considers the deliberative democratic theory and the three-pronged assessment criteria. In pursuit of managing a successful public participation initiative, the theory advocates for reciprocity, inclusivity, equality and selflessness, added capacity value of public participation and public influence on the outcomes of public policy-making processes.

In providing a South African understanding and application of public participation, Chapter Two explores the policy and/or legal framework providing guidance to a successful and lawful implementation. More so, the advantages and challenges associated with public participation feature in the reviewed literature.

5.2.3 Chapter Three: The role of the GPL in promoting public participation

Chapter Three begins by providing a general understanding of the GPL, summarising the fundamental purpose of the GPL, the principle purpose of the institution and an explanation of its four constitutional mandates, as well as the composition of the GPL

by looking at the various structures and functions performed within them. Taking a cue from the legal and/or policy framework guiding the implementation of public participation in Chapter Two, Chapter Three interrogates the role of the GPL in promoting public participation. The chapter considers public participation through the lenses of the GPL with the discussion of public participation in two contexts, namely lawmaking and oversight. More so, the chapter looks at the manner in which the GPL promotes public participation by discussing the various instruments the institution uses to promote public participation. The chapter also includes the selection and observation of actual public participation processes through the application of various instruments of the GPL in the previous years.

In looking at the role of the GPL in promoting public participation, the chapter also considers the public participation reforms of the GPL, which are a result of the institution's realisation that it needs to heighten its efforts for a qualitative exercise. The reforms observed in Chapter Three focus on improving various aspects of the GPL's public participation machinery. In particular, the reforms seek to increase the prominence and/or popularity of public representatives and involve the public in 're-engineering public participation'. More so, the reforms also focus on empowering the citizenry for quality public participation, conducting research-based public participation and aligning GPL processes with newly reformed public participation.

5.2.4 Chapter Four: Data analysis and findings of the study

As Chapter Two reviews the existing literature and Chapter Three considers the role of GPL in promoting public participation, Chapter Four thus seeks to analyse the collected data and provide findings for the study. The analysis is conducted on data retrieved from both primary and secondary sources of information with the intention to compare what is currently happening at the GPL against what is supposed to happen as per the teachings of the reviewed literature, with respect to the implementation of an effective and efficient public participation programme.

In carrying out the analysis, Chapter Four establishes the following points to

compare against existing literature:

- The respondents' understanding of public participation;
- The respondents' understanding of the role of the GPL;
- The respondents' understanding of the role of the GPL in promoting public participation;
- Establishing the respondents' perceptions of success and the factors that challenge the promotion of public participation;
- The inclusiveness of the GPL's public participation programmes;
- The recorded success and challenges in promoting public participation;
- The perceived areas of improvement within the GPL public participation machinery; and
- Lessons learnt.

Subsequent to collecting the participants' responses on the points listed above, Chapter Four compares the responses with the reviewed literature, including the work done by the GPL in promoting public participation as presented in the third chapter of the study. The analysis centres on a number of aspects that enable reporting on findings, such as measuring the understanding of the concept of public participation of the respondents, bearing in mind that this comprised of representatives of the GPL and members of the public who participated in the GPL's public participation initiatives. The definitions and explanations of public participation are measured against the teachings of the reviewed literature.

Furthermore, Chapter Four measures the GPL's public participation facets as well as success factors as per the literature review along with the perceived success factors by the participants of the study. This enables the establishment of ways and/or methods to ensure effective management of public participation. In addition, the chapter also measures the GPL's public participation against guiding principles as discussed in Chapter Two, which provide an ideal of effective and efficient public participation. In support of the guiding principles, Chapter Four scrutinises the GPL's public participation by applying the two assessment tools discussed in Chapter Two, namely the three-pronged criteria and the deliberative democratic theory.

5.2.5 Chapter Five: conclusion and recommendations

The primary objective of Chapter Five is to provide a conclusion and recommendations for the study. The chapter summarises all five chapters of the study individually and indicates how all the objectives of the study, as outlined in the introductory chapter, are achieved. Furthermore, Chapter Five provides conclusions of the study and subsequently provides recommendations in response to Objective Six of the study. The proposed recommendations are categorised into three groups, namely increasing inclusivity, strengthening the feedback mechanism of the GPL and the incorporation of public participation resolutions into house committee systems.

5.3. OBJECTIVES OF THE STUDY

In order to realise the objectives of the study as indicated in Section 5.1 above, Chapter One of the study proposes research questions that translate into research and/or study objectives which guide the study. Thus, the purpose of this section is to explain the manner in which each of the objectives are achieved throughout the study.

The objectives are as follows:

- Describe the concept of public participation.
- Highlight the legislative framework in support of public participation in South Africa.
- Identify and discuss the role of the GPL in promoting public participation.
- Discuss the various instruments used by the GPL to promote public participation.
- Explain the factors which prevent effective public participation.
- Give recommendations on how the current management of public participation programmes can be improved to ensure significant public participation.

5.3.1 Objective One: Describe the concept of public participation

The study has achieved objective one through Section 2.2 of Chapter Two, wherein various interpretations of the concept of public participation are considered. In summary, the interpretations indicated that the concept refers to the involvement of people who stand to either lose/gain from proposed governmental intervention (Andre, Enserink, Connor and Croal 2006:1). Thus, public participation is an important instrument used to facilitate reasonable integration of societal concerns and/or wishes into the public policy-making processes in any of the three levels of government (Creighton 2005:7).

In addition, part of the interpretations include the five interrelated purposes of public participation as per Andre *et al.* (2006:2), as well as the four fundamental reasons for citizen involvement in public governance, as indicated by Masango (2002:54). Section 2.2 further aides the description of the concept through the identification of the phases of the deliberation process in public participation. The phases entail:

- The educative and/or information-giving element of public participation;
- The devising of possible strategies to deal with the pending societal problem;
- Deciding on the appropriate criteria for the selection of a solution; and
- Decision-making.

More so, the reviewed literature contributes to the realisation of the objective through the provision of various perspectives of public participation. The perspectives (as indicated in Section 2.3) are policy, strategy, communication, conflict resolution and therapy. Here, public participation is described through the strands and/or perspectives that aim to give an understanding of it for example, as a medium to communicate government intentions to the public or as a platform to resolve differences in society in the event of a brewing conflict.

To aid the above objective, Sections 2.4 and 2.7 provide important principles and standards that form the basis of an effective and efficient public participation programme. Complementary to these, Section 2.6 cites general methods/modes of

public participation (such as polls and public hearing meetings). The study used a scholastic instrument (the theory of deliberative democracy) to provide a description of the public participation concept in order to foster a clear understanding of the concept through the discussion of its tenets, which are an integral part of a successful public participation exercise.

5.3.2 Objective Two: Highlight the legislative framework in support of public participation in South Africa

In support of the first objective as discussed above, Objective Two seeks to provide an understanding of the legislative and/or policy framework applicable to the implementation of public participation in South Africa. Objective Two is met through Section 2.12 of the dissertation, wherein various laws and policies necessitating and guiding public participation are discussed. These laws and policies included the following:

- The Constitution of the Republic of South Africa of 1996;
- The Promotion of Access to Information Act 2 of 2000;
- The Municipal Systems Act 32 of 2000;
- The Integrated Development Plan;
- The White Paper on Transforming Public Service Delivery 1997;
- The Gauteng Petitions Act 5 of 2002;
- The GPL's Public Participation Strategy;
- The Strategic Framework for Public Participation in the South African Legislative Sector.

In order to achieve Objective Two, sections 16, 32, 152 and 195 of the Constitution of the Republic of South Africa of 1996 are discussed under Subsection 2.12.1; wherein public participation is encouraged in the various levels of government. In terms of the Promotion of Access to Information Act 2 of 2000, Subsection 2.12.2 emphasises the intention of the Act to create an environment wherein the public can reasonably access information for the protection and/or promotion of their rights, thus enabling them to participate in related decision-making processes. Subsection 2.12.3 reiterates the

Municipal Systems Act 32 of 2000's sentiment of proactive involvement of communities in important areas such as planning, service delivery and the management of performance. In particular, Subsection 2.12.3 focuses on chapter 4 of the Act, which guides public participation in the local government sphere.

Furthermore, Objective Two is achieved through the consideration of the Integrated Development Plan, which outlines a legally prescribed developmental planning procedure. The IDP is presented as a planning mechanism that enables all relevant stakeholders to collectively highlight crucial development areas, precise goals and targets, and strategies to realise the set goals and objectives. The IDP promotes the integration and/or alignment of decisions from various sources for "consensus building" purposes and the alignment of available resources with identified societal needs (South African Local Government Association 2001:9).

The discussion of the relevant South African legal and/or policy framework also focuses on the Batho Pele principles, Strategic Framework for Public Participation in the South African Legislative Sector, Gauteng Petitions Act and the GPL's public participation strategy. The Batho Pele principles are an important instrument in facilitating the involvement of the public in service delivery matters, particularly the principles of consultation as well as openness and transparency. The SFPPSALS discuss instances when law-making bodies should involve the public in their work. The Petitions Act provides guidelines on acceptable processes, standards in the handling of petitions by relevant institutions and the public and a description of the different types of petitions. The GPL's public participation strategy assists participation during lawmaking and oversight processes. In support of the Petitions Act, the strategy emphasises the importance of the GPL in complying with the provisions of the Act.

5.3.3 Objective Three: Identify and discuss the role of the GPL in promoting public participation.

Objective Two assists in achievement of Objective Three as part of the identification and discussion of the role of the GPL in promoting public participation is done in Section 2.12 (applicable legal and policy framework within the South African context). This relates to particular sections relevant to provincial legislatures in the South African

Constitution, the Gauteng Petitions Act, SFPPSALS, Batho Pele principles and the GPL's public participation strategy. The framework highlighted above stipulates the role of a legislature in promoting public participation and provides relevant guidelines. Section 3.3.2 in Chapter Three also facilitated the realisation of Objective Three by referring to section 118 of the Constitution, wherein the role of legislature to include the public in its operations is outlined.

5.3.4 Objective Four: Discuss the various instruments used by the GPL to promote public participation

Objective Four is realised through the discussion of various instruments and their purpose and/or value add used by the GPL, in Section 3.5.1 in Chapter Three. The instruments include the following:

- House sittings;
- Public hearings;
- Public awareness campaigns and workshops;
- *Bua le Sechaba*;
- Community education-outreach workshops;
- The citizen responsibility campaign;
- Educational tours and workshops for institutions of learning;
- Sector parliaments.

Chapter Three, Section 3.6, focuses on the work carried out by the GPL through Sector Parliaments and the Bua le Sechaba campaign. This provides an understanding and resolution for the topics.

5.3.5 Objective Five: Explain the factors which prevent effective public participation

Chapter Two's Section 2.9.2 facilitates the discussion on factors inhibiting successful implementation of public participation (Objective Five). These include the socio-economic factors that marginalise/exclude certain members of the public from

participating, such as literacy levels, unemployment and the lack of access to various useful media. Other factors considered include poor public participation methods that do not adhere to the deliberative democratic theory, such as equality and inclusivity. Section 2.9.2 also highlighted the inability of parliamentary constituency offices to convey information gathered from the public to relevant structures for consideration. Furthermore, Section 2.9.2 also states the inability of legislature in attracting relevant stakeholders and lack of proper planning, in connection with some of the sentiments shared in Section 4.8 in Chapter Four. The section stresses that the GPL is said to have failed to ensure both multiracial and multiparty accommodative public participation programmes.

5.3.6 Objective Six: Give recommendations on how the current management of public participation programmes can be improved to ensure meaningful public participation

Objective Six is facilitated through various sections of the dissertation. Section 2.4 outlines the guiding principles to successful management and/or implementation of public participation and Section 2.7 highlights fundamental standards that assist meaningful and/or successful public participation programmes. Section 2.8 also provides insight on useful aspects of a successful public participation initiative; when there is adherence to both the principles and standards, the institution is set to have a public participation programme that achieves objectives and ultimately yields appealing results for all stakeholders involved.

Furthermore, Objective Six is achieved through Section 5.5 of Chapter Five with recommendations for improving the current management of public participation. The recommendations are a result of issues identified in the GPL's public participation mechanisms being compared to the guidelines of the reviewed literature. The recommendations centre on three specific points, namely increasing the level of inclusivity, strengthening the feedback mechanism of the GPL's public participation and the incorporation of public participation resolutions into the house committees' systems.

5.4 CONCLUSIONS

After scrutinising all the data, literature on public participation and the evidence of the GPL conducting public participation, the assessment has led to the following conclusions:

- The GPL appreciates and understands the importance of public participation, thus they create public participation programmes in various modes at regular intervals with continued efforts to improve their performance.
- The GPL's public participation mechanisms are, to a certain extent, in line with the guiding principles of public participation (as provided by the International Institution for Public Participation); based on the notion that the institution strives towards involvement of the Gauteng public in lawmaking and oversight processes. This is indicative of the public being an integral part of the decision-making process.
- The GPL's programmes have a wide public participation scope that enables the sourcing of valuable inputs from a wide range of participants.
- The institution's public participation programmes have a fair performance level in terms of developmental nature and/or value-add, discernible through respondents/participants' assertion of deriving valuable knowledge on the functions of legislature and avenues to be considered and/or followed when attempting to contribute to particular aspects. The institution's means of "re-engineering public participation" may be argued as a result of self-evaluation, and the need to correct deficiencies and further enhance its public participation machinery.
- It is challenging to measure the extent to which the involvement of the public in the GPL public participation processes influences the end-result of public policy-making processes within the province. Responses from participants contradict each other as some assert that their involvement has yielded results

whilst others argue the opposite, this aspect is attributable to the ailing nature of the feedback mechanism and the failure to incorporate contributions from sector parliaments in oversight committee work.

- The GPL's public participation feedback mechanism is ailing, given the limited number of people who report back as opposed to the number of people who attended the initial programme. Another observation is the delivery to a different audience, as opposed to the people who initially formed part of the programme. Therefore, the institution's public participation is only in line to a certain extent with the guiding principles of public participation, as the provision of feedback is part of those guidelines.
- From the collected data, the observation is that GPL's public participation programmes are not as inclusive as per the ideal of an effective and efficient public participation initiative. The collected data indicates that black citizens predominantly attend public participation programmes of the GPL.
- The data also highlights that the GPL's programmes are attended by people of a particular political inclination or affiliation and are predominantly attended by people of low socio-economic status. The inability of the institution's programmes to be inclusive compromises the chances of maintaining equality in public participation processes.
- In terms of having appropriate and well-informed stakeholders, the collected data indicates challenges. Participants raise matters irrelevant to discussions. Although the institution offers regional preparation workshops prior to the actual programme, this aspect is indicative of a missing ingredient in the entire public participation system. This could be the result of topics discussed not being of urgent nature to the participants or the result of resolutions made in any of the programmes not making their way to house committee deliberations as highlighted by one of the participants of the study.

- The researcher has attended a few public participation programmes. This, along with an analysis of the responses gathered in this study, reveals what one might refer to as the recycling of participants. This is linked to one of the respondent's views that some members of the public view the initiatives of the institution as designed for a certain political affiliation, thus leading to the inability of being inclusive and ensuring equality or even being able to attract as many participants as possible.

The section that follows seeks to provide recommendations for the study.

5.5 RECOMMENDATIONS

Building from the literature review, findings of the study, analyses made, and the conclusions discussed in the preceding sections. The recommendations of the study are classified into three folds, namely: increasing inclusivity, strengthening the feedback mechanism of the institution and the incorporation of public inputs into house committee systems. The subsequent sections discuss these in more detail.

5.5.1 Increasing inclusivity

Inclusivity is an important aspect of public participation and regards the inclusion of all eligible members of society irrespective of race, gender, socio-economic status or any other description. In ensuring this element, the GPL may consider a variety of aspects. Firstly, this entails efforts to debunk the public perception of public participation initiatives being appropriate for followers of a particular political ideology or inclination, through the adoption of a multiparty marketing strategy in advertising the institution's public participation programmes. This can also include the involvement of representatives of political parties represented in the GPL in the planning and implementation processes to ensure public participation programmes that find expression or resonance in all represented political ideologies.

Secondly, the GPL should make an effort to understand the reasons for the disinterest of the working class and youth graduates in its public participation programmes and make efforts to incorporate their concerns in the planning and implementation

processes. The institution's relations with stakeholders such as workers' unions and student formations could be one of the avenues used to source reasons for their apathy in public participation programmes. Alternatively, the GPL should consider involving representatives of such stakeholders even in the planning processes of public participation. This will result in a public participation design accommodative to them.

Thirdly, the GPL should understand factors leading to other racial groups, such as Coloured, Indian and Whites' apathy to its public participation programmes and make an effort to factor their concerns in the planning processes. The building of relations with community groups in locations largely dominated by Coloured, Indian and White populace can help the GPL in understanding the observed apathy, thus allowing it to be more accommodative. Here too, representatives of these communities should form part of the planning and implementation phases of public participation to inculcate a sense of ownership, thus giving assurance of their participation. Lastly, the GPL can make an effort to include as many participants as possible and not recycle participants.

5.5.2 Strengthening the feedback mechanism

A discernible aspect from the reviewed literature and the findings of the study is the ailing nature of the feedback system of the GPL. Thus, in an attempt to assist the GPL's means of developing and implementing a "responsive public feedback system". The study brings the following recommendation to the fore:

- Facilitate regular and relevant feedback sessions. The institution should ensure relevant stakeholders attend feedback sessions; this refers to stakeholders who participated in the initial programme. It should not be limited to a certain number of stakeholders but should strive to have at least above-average stakeholder attendance and the location of the session should be the same location where the initial programme took place. Another important aspect is the timing of the feedback session. This means the sessions should not be a year later or right before another public participation programme on a new topic takes place, instead, it should be two or three months after the session took place. This will allow effective monitoring of the implementation process.

5.5.3 Incorporating public participation resolutions in house committee systems

From the preceding chapters of this study, it is arguable that a legislature's committee system is the heartbeat or engine of a legislature wherein(if not all), a bulk of a legislature's work takes place. Therefore, if contributions from public participation programmes do not make their way to a legislature's planning phase, holding the executive accountable on such contributions will not happen. Thus, in ensuring the integration of resolutions from public participation programmes into the oversight system of the GPL, the recommendations are that:

- The GPL makes an added effort to incorporate recommendations and/or resolutions emanating from public participation programmes in relevant house committees' work systems.
- Members of oversight committees form an integral part of the institution's public participation, other than that of their specific committees, to ensure that matters falling within their committees' ambit receive the required attention.

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Appendix A



To: **Secretary to the Legislature:** **From:** **Manager Office of the Speaker**
Mr. Peter Skosana Ms Matie Losper

Cc: Ms Tseleng Seakamela:
Personal Assistant of the **Date:** 12 August 2014

Secretary to the Legislature

Subject: **PERMISSION TO USE GPL DOCUMENTS AND OTHER COMPLEMENTARY
RESOURCES FOR MASTERS RESEARCH PROPOSAL**

1. Purpose

This memorandum seeks to request the Secretary to the Legislature to approve the usage of relevant documents and other relevant/complementary resources for the completion of a Masters Research proposal.

2. Background

Mr Jabulani Thungo who is in the employ of the Gauteng Provincial Legislature as a Protocol Intern in the Office of the Speaker wishes to undertake Masters degree studies with the University of Johannesburg. His proposed research topic is: "Public participation as means towards ensuring sustainable development and good governance: A case study of the Gauteng Provincial

Legislature's role in promoting public participation". Therefore, one of the requirements to be fulfilled when one wishes to undertake such study is to seek permission from all institutions and persons whom information will be sourced before proceeding with the research. In the case of the former, when a researcher is to use any of its resources (e.g. Documents) which are not easily and readily available to the public even any of its human resources (e.g. interviews), permission is to be sought from the relevant institution.

3 Recommendation

It is recommended that this motivation is approved to enable the abovementioned individual to proceed with his research.

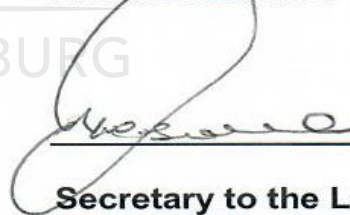
Attached to this memo is a research proposal template format for D Litt et Phil/MA programmes which entails a section stating the necessity of getting approval as stated in the preceding section.

RECOMMENDED/ NOT RECOMMENDED



**Manager: Office of the Speaker
Ms Matie Losper**

APPROVED/ NOT APPROVED



**Secretary to the Legislature
Mr Peter Skosana**

Appendix B



FACULTY OF MANAGEMENT

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Our reference: 201019480
2016-08-15

RESEARCH ETHICS COMMITTEE CLEARANCE CERTIFICATE



MEETING: 23 September 2015

PROJECT NUMBER: FOM2015-PMG002

PROJECT:

Title: The role of the Gauteng Provincial Legislature in promoting public participation

Researcher: Mr JS Thungo

Supervisor: Ms S Mavee

Department: Public Management and Governance

Faculty: Management

Degree: MA Public Management and Governance



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Appendix C

CONSENT FORM

This document serves as a consent form to participate in the gathering of data for a Masters dissertation research project. It is a research project titled: "The role of the Gauteng Provincial Legislature in promoting public participation" conducted by Mr Jabulani Thungo from the University of Johannesburg. This document should be read by the interviewee prior to being interviewed.

I hereby declare my voluntary participation in the data gathering exercise carried out by Mr Jabulani Thungo.

In participating, I understand that there will be no form of remuneration and the data provided by myself will not be used for any other purpose but for the research project quoted above.

I am in full understanding that the interview entails voice recording and if I am not comfortable with this arrangement it is within my right to request not to be voice recorded.

Where I deem necessary, it is within my right to decline to answer a question that is posed by the interviewer.

I understand that the researcher will not in any part of the report of this study mention my name and that this implies the privacy of my personal information as a participant will be ensured-my identity will remain confidential and it shall not appear in any published research.

I also understand that the researcher has sought permission from the institution quoted above to undertake the study of such nature.

Further, I also understand that the researcher has received a clearance certificate from the University of Johannesburg' Faculty of Management's Research Ethics Committee.

I have read and understood this document. I have had all my questions pertinent to this investigation answered. I therefore, voluntarily agree to participate in this study.

Participant's signature

Date

Signature of the researcher

Date

Mr Jabulani Thungo (Researcher)



Appendix D

Interview Questions

Questionnaire

The role of the Gauteng Provincial Legislature in promoting public participation

1. What is your understanding of the role of the Gauteng Provincial Legislature?
2. What is your understanding of the concept of public participation?
3. What is your understanding of the role of the Gauteng Provincial legislature in promoting public participation and why is it important?
4. What in your understanding contributes to a successful public participation initiative and why?
5. Was the sector parliament you participated in successful and why?
6. In your opinion, what is the importance of preparing for participating in the sector parliament/public participation programme?
7. Were you and your fellow participants fully capacitated/prepared to participate effectively?
8. In your opinion, has your participation and that of your peers resulted in any substantial outcomes based on your submission of concerns and recommendations?
9. Have you received any feedback on the resolutions/recommendations made or any form of feedback on the last public participation programme you participated in? If so, were you satisfied?
10. Comment on the inclusivity of the GPL's public participation initiatives.
11. In your opinion, what points of improvement need the attention of the implementers of public participation?
12. Are there any additional comments you'd like to make?

- What in your understanding is the role of the Gauteng Provincial Legislature in promoting public participation?
- What is the significance of involving the public in legislative processes?
- What constitutes effective and efficient public participation/Bua le Sechaba?
- Take us through the importance of participants' preparation for public participation.
- What is the importance of feedback in public participation processes?
- What have been the successes and challenges recorded by the GPL in promoting public participation and/or Bua le Sechaba?
- What impact have the recorded challenges had on the successful implementation of public participation through Bua le Sechaba?
- What is the rationale behind the idea of Bua le Sechaba?
- Bearing in mind its objectives, what contributed to the success of the 2015 Bua le Sechaba campaign?
- What guides the topics focused on by the Bua le Sechaba campaign?
- Has the GPL been able to ensure Bua le Sechaba campaign/public participation processes that embrace the demographic profile of the Gauteng Province?
- If so, what are the indicators of this element? If not, to what reasons can this prevalence be attributed?
- What has contributed to the success of the feedback strand of Bua le Sechaba?
- What are the lessons learnt?
- Are there any relevant additional comments you'd like to make?

1. What in your understanding is the role of the Gauteng Provincial Legislature in promoting public participation?
2. What is the significance of involving the public in legislative processes?
3. What constitutes effective and efficient public participation?
4. What is the importance of feedback in public participation processes?
5. Take us through the importance of participants' preparation for public participation.
6. What have been the successes and challenges recorded by the GPL in promoting public participation?
7. What is the impact of the recorded challenges on the successful implementation of public participation?
8. Taking into consideration the identified challenges, what mechanisms/strategy have been put in place to remedy the situation?
9. Is the "Re-engineering of public participation" project an example of an institutional strategy to remedy the identified challenges and has it been a success?
10. Has the GPL been able to ensure public participation processes that embrace the demographic profile of the Gauteng Province? If so, what are the indicators of this element? If not, to what reasons can this prevalence be attributed?
11. How effective is the feedback strand of the GPL's public participation and to what can this be attributed?
12. What is the importance of sector parliaments and/or Bua le sechaba, and how has the participation of each of the targeted participants contributed in the province's law-making outcomes and affected public service delivery?

13. What guides the topics deliberated on during the various public participation initiatives of the GPL?

14. What are the lessons learnt?

15. Are there any relevant additional comments you'd like to make?

